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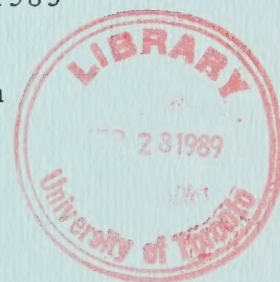
VOLUME: 138

DATE: Wednesday, September 20th, 1989

BEFORE: M.I. JEFFERY, Q.C., Chairman

E. MARTEL, Member

A. KOVEN, Member



FOR HEARING UPDATES CALL (TOLL-FREE): 1-800-387-8810

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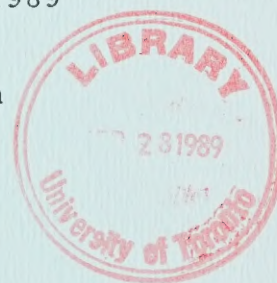
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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER OF a Notice by the
Honourable Jim Bradley, Minister of the
Environment, requiring the Environmental
Assessment Board to hold a hearing with
respect to a Class Environmental
Assessment (No. NR-AA-30) of an
undertaking by the Ministry of Natural
Resources for the activity of timber
management on Crown Lands in Ontario.

Hearing held at the Ramada Prince Arthur
Hotel, 17 North Cumberland St., Thunder
Bay, Ontario, on Wednesday, September 20th,
1989, commencing at 8:30 a.m.

VOLUME 138

BEFORE:

MR. MICHAEL I. JEFFERY, Q.C.	Chairman
MR. ELIE MARTEL	Member
MRS. ANNE KOVEN	Member

A P P E A R A N C E S

MR. V. FREIDIN, Q.C.)	MINISTRY OF NATURAL
MS. C. BLASTORAH)	RESOURCES
MS. K. MURPHY)	
MS. Y. HERSCHER)	
MR. B. CAMPBELL)	MINISTRY OF ENVIRONMENT
MS. J. SEABORN)	
MR. R. TUER, Q.C.)	ONTARIO FOREST INDUSTRY
MR. R. COSMAN)	ASSOCIATION and ONTARIO
MS. E. CRONK)	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY)	ASSOCIATION
MR. H. TURKSTRA	ENVIRONMENTAL ASSESSMENT BOARD
MR. J. WILLIAMS, Q.C.	ONTARIO FEDERATION OF
MR. B.R. ARMSTRONG	ANGLERS & HUNTERS
MR. G.L. FIRMAN	
MR. D. HUNTER	NISHNAWBE-ASKI NATION and WINDIGO TRIBAL COUNCIL
MR. J.F. CASTRILLI)	
MS. M. SWENARCHUK)	FORESTS FOR TOMORROW
MR. R. LINDGREN)	
MR. P. SANFORD)	KIMBERLY-CLARK OF CANADA
MS. L. NICHOLLS)	LIMITED and SPRUCE FALLS
MR. D. WOOD)	POWER & PAPER COMPANY
MR. D. MacDONALD	ONTARIO FEDERATION OF LABOUR
MR. R. COTTON	BOISE CASCADE OF CANADA LTD.
MR. Y. GERVAIS)	ONTARIO TRAPPERS
MR. R. BARNES)	ASSOCIATION
MR. R. EDWARDS)	NORTHERN ONTARIO TOURIST
MR. B. McKERCHER)	OUTFITTERS ASSOCIATION

APPEARANCES: (Cont'd)

MR. L. GREENSPOON)	NORTHWATCH
MS. B. LLOYD)	
MR. J.W. ERICKSON, Q.C.)	RED LAKE-EAR FALLS JOINT
MR. B. BABCOCK)	MUNICIPAL COMMITTEE
MR. D. SCOTT)	NORTHWESTERN ONTARIO
MR. J.S. TAYLOR)	ASSOCIATED CHAMBERS OF COMMERCE
MR. J.W. HARBELL)	GREAT LAKES FOREST
MR. S.M. MAKUCH)	
MR. J. EBBS	ONTARIO PROFESSIONAL FORESTERS ASSOCIATION
MR. D. KING	VENTURE TOURISM ASSOCIATION OF ONTARIO
MR. D. COLBORNE	GRAND COUNCIL TREATY #3
MR. R. REILLY	ONTARIO METIS & ABORIGINAL ASSOCIATION
MR. H. GRAHAM	CANADIAN INSTITUTE OF FORESTRY (CENTRAL ONTARIO SECTION)
MR. G.J. KINLIN	DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC	MINISTRY OF NORTHERN DEVELOPMENT & MINES
MR. M. COATES	ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI	BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY

APPEARANCES: (Cont'd)

MR. R.L. AXFORD

CANADIAN ASSOCIATION OF
SINGLE INDUSTRY TOWNS

MR. M.O. EDWARDS

FORT FRANCES CHAMBER OF
COMMERCE

MR. P.D. McCUTCHEON

GEORGE NIXON

MR. C. BRUNETTA

NORTHWESTERN ONTARIO
TOURISM ASSOCIATION

I N D E X O F P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
<u>JOHN McNICOL,</u>	
<u>FRANK D. KENNEDY,</u>	
<u>J. JOSEPH CHURCHER,</u>	
<u>RICHARD WILLIAM GROVES,</u>	
<u>HARTLEY MULTAMAKI,</u>	
<u>ALBERT BISSCHOP,</u>	
<u>ROGER W. DAVISON,</u>	
<u>ROBERT THOMAS FLEET, Resumed</u>	23344
Continued Direct Examination by Mr. Freidin	23344

I N D E X O F E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
844	Hard copy of overheads re: Document 2, Part 11, Determination of Operations (Pages A-G).	23356
845	Allocation Map, Base map 512934.	23450
846	Supplementary Documentation, Area of Concern No. 29, Red Lake.	23475
847	Copy of letter dated July 2, 1987 from Mr. Everly to Mr. Geary.	23497
848	Hard copy of overhead entitled: Area of Concern regarding general habitat value.	23513
849	Hard copy of overhead re: Document 2, Part 11, Road Planning (Pages A-I).	23522
850	Hard copy of overheads re: Document 2, Part 13, Information Centre (Pages A-B).	23556

1 ---Upon commencing at 8:35 a.m.

2 THE CHAIRMAN: Good morning. Be seated,
3 please.

4 Mr. Cosman?

5 MR. COSMAN: Yes. Mr. Chairman, you
6 asked what our contingency plan might be if Mr. Freidin
7 were not finished and I am here to address you on that
8 point. I knew that our contingency plan had to be one
9 that would not cause any delay in your proceedings,
10 it's on that basis that I am putting forward the
11 following proposal.

12 I am advised by Mr. Freidin that he is
13 almost certain to take the entire day today and
14 tomorrow. Our problem is the one that I mentioned last
15 week. Next week would be fine, but of course we are in
16 Dryden, the following week is the one week that I have
17 had booked for a trip to the International Bar Meeting
18 having worked through June, July and August.

19 THE CHAIRMAN: Having something to do
20 with that organization that's not an important meeting;
21 is it?

22 MR. COSMAN: Extremely, as you know, Mr.
23 Chairman. What I would like to suggest is the
24 following: If Mr. Freidin completes his evidence, we
25 have three days of the week of the 2nd, those are the

1 days that I am going to be away. If someone were to
2 proceed - because it is two weeks hence, it's not as if
3 someone is being taken by surprise - with their
4 evidence in that period of time, I would proceed on the
5 day I come back or the first day after that, and if
6 there is any questions arising from my
7 cross-examination - which I indicated is going to be in
8 the range of two hours - then of course that is open to
9 the Board to allow that person to ask supplementary
10 questions as long as it is arising from my cross. In
11 that way there will no delay whatsoever and the hearing
12 will proceed as scheduled.

13 As you know, Mr. Chairman, we have always
14 proceeded with our examination immediately after the
15 MNR, we have not asked for time, we have not caused any
16 delay, we have not asked - and some of the parties
17 have, but we understand the problems in a lengthy
18 hearing such as this - we have not asked for any time
19 in the past. What I am proposing is something that
20 will not cause any delay in the hearing and, hence,
21 will permit me to conduct the cross-examination of
22 these witnesses.

23 We have a legal team, as do the other
24 parties, but the problem is of course that we have
25 divided up the case. Mr. Cassidy has been

1 concentrating on certain panels and certain evidence as
2 we are rapidly trying to meet our deadlines that are
3 coming up, so it is not a question of just someone
4 filling in my shoes for purposes of this particular
5 panel.

6 But if this were considered to be
7 appropriate by the Board, no one would be prejudiced
8 and the hearing would not be delayed in any way
9 whatsoever.

10 THE CHAIRMAN: Ms. Swenarchuk, do you
11 have any difficulty in following Mr. Freidin if that
12 request by Mr. Cosman were granted?

13 MS. SWENARCHUK: Can I just ask when Mr.
14 Cosman expects to be back.

15 MR. COSMAN: I will be away that week, so
16 it's the week of the 9th. So I can certainly do it on
17 the Tuesday or if someone didn't want to break their
18 cross-examination, I would do it on the Wednesday.

19 I would do it the first day of that week
20 or as soon thereafter as it is convenient, giving of
21 course the person ahead of me the right to make that
22 choice.

23 MS. SWENARCHUK: Can I just have a
24 moment?

25 ---Discussion off the record

1 MS. SWENARCHUK: Mr. Chairman, I would
2 like to confer with my client on this. It does have
3 some additional cost elements for us, and I could reach
4 them as soon as possible, I am not sure whether that
5 would be today, and I will get back to the Board after
6 that.

7 Our other suggestion would be that there
8 may be other parties who would not have the cost
9 implications that we may have who may be prepared to go
10 first.

11 THE CHAIRMAN: Well, in any event, I
12 think the Board finds Mr. Cosman's submissions to be
13 reasonable in the circumstances. I think also bearing
14 in mind the comments he made with respect to the fact
15 that the industry throughout this case has been
16 basically prepared to go right after the proponent and
17 has in fact done so.

18 There will be, as we mentioned last week,
19 certain cases where the parties will not be able to go
20 in the appropriate order and the Board's primary
21 interest in this whole thing is to keep this hearing
22 moving without wasting any time whatsoever.

23 So I would ask the parties to confer
24 amongst themselves and try and work this out in terms
25 of the order, bearing in mind that we will insist that

1 the Ministry go as the last party, particularly with
2 this panel - this is the Ministry of the Environment -
3 because we feel that their position in that order in
4 view of the panel that we are dealing with, the
5 evidence that we are dealing with in this panel is such
6 that we would like to hear the Ministry of the
7 Environment's position at the end.

8 Mr. Cosman, we may not be able to give
9 you a definitive answer at this point as to who will
10 follow Mr. Freidin, but I think we can assure you at
11 this time that you will be excused from having to
12 proceed in that week.

13 MR. COSMAN: I will be prepared to go,
14 Mr. Chairman, immediately the following week.

15 THE CHAIRMAN: I think when counsel are
16 trying to work this out care should be given so as not
17 to increase the costs of any other party, if at all
18 possible.

19 MS. SWENARCHUK: Mr. Chairman, in that
20 respect, I would have no difficulty with Mr. Cosman's
21 suggestion if we can do it this way: We expect to be
22 back for the cross-examination done by the Ministry of
23 the Environment, and if the Board would agree that any
24 additional questions we may have to put we can put just
25 prior to Mr. Campbell's cross-examination, that might

1 save us additional costs in the interim between our
2 cross and that one.

3 THE CHAIRMAN: And that's just arising
4 out of Mr. Cosman's cross-examination?

5 MS. SWENARCHUK: Yes. .

6 THE CHAIRMAN: Do you have any problem
7 with that, Mr. Freidin?

8 MR. FREIDIN: I only have one concern and
9 that is it may make the Board's job a little bit more
10 difficult to distinguish whether the continued
11 cross-examination in fact does relate to the short
12 two-hour cross-examination by OFIA as opposed to other
13 matters which have been raised by others.

14 THE CHAIRMAN: Well, trust the Board.

15 MR. FREIDIN: All right.

16 THE CHAIRMAN: It may be a little more
17 difficult but I think we are probably astute enough to
18 determine which evidence refers to which evidence.

19 MR. FREIDIN: I just wanted to indicate
20 my concern and I will trust the Board. Thank you.

21 THE CHAIRMAN: Okay. Thank you, Ms.
22 Swenarchuk, Mr. Cosman.

23 Did my Exhibit No. 7 and Mr. Martel's
24 return?

25 MS. HERSCHER: Not yet.

1 THE CHAIRMAN: Not yet.

2 MS. HERSCHER: They will be back this

3 morning.

4 THE CHAIRMAN: Sorry?

5 MS. HERSCHER: They will be back this

6 morning.

7 THE CHAIRMAN: Okay. Well, we have one

8 copy up here, I guess we can share around.

9 MR. CHURCHER: Mr. Chairman, I have an

10 additional copy that is to be bound with the blue

11 pages, if that would help you?

12 THE CHAIRMAN: Does he need a copy?

13 MR. CHURCHER: I don't believe so.

14 THE CHAIRMAN: Thank you.

15 MR. CHURCHER: (handed)

16 THE CHAIRMAN: We will try and not mark

17 it up for you.

18 MR. FREIDIN: Please do.

19 THE CHAIRMAN: We will do it in code, Mr.

20 Freidin.

21 MR. FREIDIN: One matter of business from

22 yesterday. Mr. Multamaki made reference to Appendix E

23 of the Red Lake Crown Management Unit, Timber

24 Management Plan. It was in reference to documenting

25 methodology regarding volume calculations for the

1 planned areas.

2 The Appendix E in fact was a reference in
3 Panel No. 7's witness statement. I don't have the
4 exhibit number of that particular witness statement,
5 but it is Reference No. 6 and is found at page 138 of
6 that witness statement. The entire eight pages of
7 Appendix E in fact is reproduced there.

8 JOHN McNICOL,
9 FRANK D. KENNEDY,
10 J. JOSEPH CHURCHER,
11 RICHARD WILLIAM GROVES,
12 HARTLEY MULTAMAKI,
13 ALBERT BISSCHOP,
14 ROGER W. DAVISON,
15 ROBERT THOMAS FLEET, Resumed

16 CONTINUED DIRECT EXAMINATION BY MR. FREIDIN:

17 Q. Mr. Kennedy, yesterday we, I guess
18 partially the day before, we dealt with a number of
19 maps from the Red Lake Crown Management Unit and I
20 understand that you would like to make a brief comment
21 about a mapping requirement which is now in the Timber
22 Management Planning Manual but was not addressed by Mr.
23 Multamaki?

24 MR. KENNEDY: A. Yes, I would. I would
25 like people to turn to page 78 of Exhibit 7, the Timber
Management Planning Manual. And yesterday I observed
that there was a fair amount of interest from parties
and the Board in the maps that Mr. Multamaki was

1 presenting.

2 I also noticed there was a little bit of
3 difficulty in following from one map to another, and I
4 thought it would be helpful to point out that as part
5 of the conclusions to the selection process there is a
6 requirement in the Timber Management Planning Manual at
7 page 78 to produce what I would refer to as a key map
8 of the areas that are selected for harvest.

9 The map is to be produced at a scale of
10 1:250,000 and, as such, serves as a general overview of
11 the areas that have been selected for harvest. So it
12 is on one map sheet then that are -- it's possible to
13 get an overview of the areas that are selected and it
14 serves as a very useful index, if you will, to the
15 balance of the map sheets such as those that Mr.
16 Multamaki spoke to. So I thought it would be helpful
17 to point that out.

18 THE CHAIRMAN: It talks about two maps in
19 that section though; doesn't it?

20 MR. KENNEDY: Yes, it does, Mr. Chairman.
21 The maps which are referred to in the third line, the
22 FRI map sheets or FRI composite maps are the types of
23 maps that Mr. Multamaki used yesterday to illustrate
24 those areas that are selected. And the second map is
25 the key map or overall view map at the scale of

1 1:250,000.

2 MR. FREIDIN: Q. If you do the FRI map
3 sheets or the FRI composite maps which are referred to
4 in the third line, if you wanted to have the entire
5 management unit, you would have more than one map?

6 MR. KENNEDY: A. That's correct.

7 Q. And the 1:250,000 --

8 A. Excuse me, depending upon the size of
9 the maps, of course, and the size of the unit.

10 Q. Mr. Kennedy, the last subject matter
11 to be dealt with in Document 2, Part 10 is the subject
12 matter of contingency areas. For reference of the
13 Board, the discussion of that would be found at page
14 143 of the Environmental Assessment Document, Exhibit
15 4.

16 Mr. Kennedy, could you describe what a
17 contingency area is and why the concept of contingency
18 areas was developed?

19 A. Okay. Contingency area is an area
20 that is selected for harvest that is above and beyond
21 the area that is planned for harvest during the
22 five-year term.

23 Q. Excuse me, Mr. Kennedy.

24 MR. FREIDIN: Page 143 if you are looking
25 for the EA reference, Mr. Chairman.

1 THE CHAIRMAN: Thank you.

2 MR. FREIDIN: Q. Mr. Kennedy, perhaps
3 you could -- I will ask the question and we could start
4 from there again. Could you describe what a
5 contingency area is and why the concept of contingency
6 areas was developed?

7 MR. KENNEDY: A. Yes. It's an area that
8 is selected for -- selected as a -- the same manner as
9 those that have been selected for harvest, and it's an
10 area that is set aside, if you will, in case
11 circumstances arise during the term of the plan where
12 additional area is required.

13 Circumstances that would require going
14 into a contingency area would be those that are
15 unpredictable at the outset of the planning term. For
16 instance, it could be an area that would be desirable
17 to go into after there has been a large fire that has
18 depleted the areas that have been planned for harvest,
19 or it may be an area that is set aside to look after a
20 particular product that is possible -- that a market
21 develops for during the course of the term of the plan.

22 It's not a new concept. Many individuals
23 have included contingency areas in their plans. The
24 experiences that I had in the northwest region was that
25 it was a common practice for companies to include it in

1 their plans, and in the course of the June amendments
2 to the Class EA we formalized a requirement and put
3 some bounds to it to include a contingency area as part
4 of the timber management plan.

5 Q. Now, on page 143 of the Environmental
6 Assessment, am I correct that the statement is made
7 that the identification of a contingency area is in
8 fact a requirement for every timber management plan?

9 A. Yes, it is.

10 Q. And what is the reason for making it
11 mandatory in the first place?

12 A. Well, the reason is, is that the
13 underlying purpose of the contingency area is to allow
14 for operations to proceed in the event of an unusual
15 circumstance and, as such, we thought that it was
16 advisable to include an area in the plan that is not
17 part of the planned harvest that has had full planning
18 operations conducted on it so that it is -- it can be
19 approved on short notice. If there is a requirement
20 for it, as I say, as a result of such an instance as a
21 large fire.

22 We've put some time limits to it in order
23 that each unit has a minimum of three months of
24 operations -- excuse me, I should say between 90 and
25 120 days of operations which they can proceed in that

1 particular area.

2 Q. So there is a time element applied to
3 the contingency areas and that is that the area must be
4 one where the planned activities would in fact sustain
5 harvest operations for a period of 90 to 120 days?

6 A. Yes, as a minimum.

7 Q. And what's the reasoning behind the
8 time periods referred to?

9 A. Well, the time period referred to was
10 one that we thought would be approximately equivalent
11 of the time required to process a major amendment.

12 So that if there was an event that
13 occurred that caused for a portion of the plan to
14 become obsolete or a portion of the plan where there
15 was additional needs that were not addressed in the
16 original plan, that in normal circumstances an
17 amendment would be processed, and to allow for
18 operations to proceed during the time the amendment is
19 being processed, we have the provisions of a
20 contingency area where there has been full planning to
21 occur.

22 In some ways it is a safety net, if you
23 will, as to allow operations to continue while
24 addressing other planning concerns.

25 THE CHAIRMAN: Well, how does that accord

1 with the fact that full planning has already occurred?

2 MR. KENNEDY: Well, in this case, it
3 would be -- the area would not be approved for
4 operations as part of the five-year term of the plan,
5 but the planning aspects will have already been taken
6 place so that all that's required then is a request and
7 an explanation as to what the circumstances are and the
8 rationale for going into that area and that approval
9 could be granted on short notice during the term of the
10 plan.

11 There would be a -- concurrently to that
12 there would be a request for an amendment if that was
13 required to, say, operate in an area that was not
14 affected by fire and to substitute that area for an
15 area that might have been lost in a fire.

16 THE CHAIRMAN: But I guess the question
17 is: You are not indicating that in order to get this
18 short-term approval or this quick approval that you
19 require any further planning considerations to be dealt
20 with in the sense of more public input and that kind of
21 thing?

22 MR. KENNEDY: That's correct. It would
23 not be required because it would have taken place
24 during the planned preparation and is included as part
25 of the plan, full planning has occurred, and because it

1 accompanies the plan throughout the review and approval
2 process there has been equal opportunities for public
3 input into the contingency area as there has been with
4 areas that are planned for harvest.

5 THE CHAIRMAN: So then why do you need
6 this formal approval? Why wouldn't the approval be
7 deemed to have been given in approving a plan in the
8 first place?

9 MR. KENNEDY: It's a form of
10 administrative control, I would term it that way, so
11 that in the case of both Crown and company plans that
12 all individuals are advised of the request to go into
13 those areas. It's -- an explanation or rationale is
14 required as to what the circumstances are and that
15 would require the documentation as to why there is a
16 desire to go into those areas.

17 In the case of natural disturbances, it
18 can be quite obvious; in the case of market changes
19 where there may be a change in market that the company
20 has detected and wishes to proceed with perhaps a
21 different product line, that is the process then that
22 we use to alert MNR staff as to those operations
23 shifting from one area which was not scheduled for
24 harvest during the term to the area that's a
25 contingency area.

1 THE CHAIRMAN: And who gives the
2 approval, the district manager?

3 MR. KENNEDY: It would be the district
4 manager.

5 THE CHAIRMAN: Okay.

6 MR. KENNEDY: And we have also included a
7 maximum amount of time that we suggest that the
8 operations could proceed in a contingency area and it's
9 not that the -- I should explain that it's not exactly
10 a time limit on the operations, but rather an estimate
11 of the amount of area that would sustain operations and
12 that maximum amount is for one year. So just trying to
13 establish some bounds on it so that there's a minimum
14 of 90 to 120 days' worth of operations and a maximum of
15 a year.

16 We chose to go with the time limit as
17 opposed to declaring that each management unit must
18 have "x" amount of hectares contained in a contingency
19 area because depending upon the size of the management
20 unit the level of operations would vary. So we felt
21 that the best way to handle that situation was to allow
22 the forester or direct the forester to include areas
23 that would sustain operations in that length of time
24 period.

25 THE CHAIRMAN: Is this contingency area

1 situation new to the process that you are putting
2 before the Board or did this occur also under the
3 existing plan?

4 MR. KENNEDY: It was not a requirement
5 before, but it was common practice to include
6 contingency areas in plans and we recognized when we
7 were -- when we were including in the plans the
8 amendment procedure in a more formalized fashion that
9 has ever existed before that it would be advisable to
10 use a contingency area in addition to the amendments.

11 So there are a number of manners in which
12 the planning activities can assist in keeping the
13 operations current in the field, and one of them is by
14 ensuring that there's a contingency area there to
15 address there for unforeseen circumstances.

16 MRS. KOVEN: We discussed many panels ago
17 what would occur if there were a shortage of supply in
18 some particular area and how you would reallocate wood
19 supply to a certain plant or whatever. Would you look
20 at the contingency areas as serving that purpose?

21 MR. KENNEDY: I would certainly entertain
22 a proposal to that effect. I would be hesitant to say
23 that it would be a wise use of a contingency area in
24 that the areas are intended to serve as a -- as I was
25 indicating, a safety net, if you will, for operations

1 that -- or for unforeseen circumstances.

2 When you indicate a shortage of supply,
3 through the planning process we are able to identify a
4 shortage of supply for mills and there should be ample
5 time through the planning process to address that
6 shortage by looking at other management units as a for
7 instance, or other sources of supply, private land
8 perhaps, and addressing the supply in a planned fashion
9 where there has been ample time to consider all
10 options.

11 I would suggest that there may be a
12 possibility in some unique circumstances to use a
13 contingency area in that fashion, but it certainly was
14 not designed with that idea in mind.

15 MR. MARTEL: Let's say someone cut their
16 limit, they couldn't call -- in an accelerated way,
17 they wouldn't be allowed to then simply go beyond what
18 had been planned and use this particular area?

19 MR. KENNEDY: That's correct, Mr. Martel.
20 We would not look favourably at a request of that
21 nature and that is why we have had a level of approval
22 required in order to enter into the contingency areas
23 as I was discussing with the Chairman, in that there is
24 a level of approval required so that all parties
25 realize there has been unusual circumstances or

1 unpredictable circumstance arise and there is a
2 conscious decision to enter into that area and harvest
3 additional area.

4 You will note -- or if I could direct
5 your attention to page 143 of Exhibit 4, the Class EA
6 Document, and look at lines --

7 MR. FREIDIN: Q. What page?

8 MR. KENNEDY: A. Page 143 of Exhibit 4,
9 and if I can draw your attention to lines 33 to 35,
10 there is an indication that the contingency area is to
11 serve as a replacement for, not an additional area for
12 harvest.

13 Again, there are ample opportunities and
14 ample time to plan operations to foresee possible
15 shortages and to take necessary actions through the
16 planning process to address shortages. The contingency
17 area is intended to serve as a safety net in order to
18 deal with unforeseen circumstances.

19 And I should also point out that because
20 we are talking of the relatively short time frame of
21 five years that those predictable circumstances we
22 think we can deal with effectively through the plan and
23 then we are looking at what unforeseen things may occur
24 during that short five-year term.

25 MR. FREIDIN: Thank you, Mr. Kennedy. If

1 we could now move to Part 11 of Document 2, and that
2 particular part of Document 2 commences at page 172,
3 Exhibit 813A. The witnesses that will be giving
4 evidence in relation to this matter are Mr. Bisschop,
5 Mr. Multamaki, Mr. McNicol.

6 I would like to begin this panel, Mr.
7 Chairman, by filing as the next exhibit a series of
8 hard copies of overheads which will be used. Perhaps
9 they could be marked as overheads, Document 2, Part 11,
10 Determination of Operations and, again, I would ask
11 that they be marked A through whatever. It will be A
12 through G.

13 THE CHAIRMAN: Very well. Exhibit 844, A
14 through G.

15 MR. FREIDIN: (handed)

16 THE CHAIRMAN: Thank you.

17 ---EXHIBIT NO. 844: Hard copy of overheads re:
18 Document 2, Part 11, Determination
of Operations (Pages A-G).

19 MR. FREIDIN: Q. Mr. Bisschop, could you
20 please begin by outlining the subject areas to be
21 addressed in Part 11 of Document 2?

22 MR. BISSCHOP: A. Yes, Mr. Chairman.
23 The discussion of Part 11 of Document 2 is going to
24 take us some time. On the first page of Exhibit 844 we
25 have outlined the subject matters that we are going to

1 address and if you could think of it in two parts, this
2 page and the remaining pages of Exhibit 844 address
3 areas of concern planning, and we'll follow later with
4 another package of material that deals with road
5 planning.

6 In area of concern planning we will talk
7 about the concepts of areas of concern versus normal
8 operating areas, we will describe what we mean by an
9 area of concern in particular to explain the
10 differences between a value as you become familiar with
11 through the values map and an area of concern.

12 We will describe the area of concern
13 planning process including the requirements of Appendix
14 1 which should be considered as part of the entire
15 process, not the process in itself, and we will
16 describe the documentation requirements. That subject
17 area deals with the subjects of harvest, renewal and
18 tending in areas of concern.

19 We will follow later with a discussion of
20 road planning for the five-year term, we will speak to
21 the subjects of planning of the locations of primary
22 and secondary roads, we will speak to road location
23 planning within areas of concern where Appendix 2 of
24 the Class EA comes into play, and we will talk about
25 planning requirements for tertiary roads, and we will

1 conclude the road planning discussion with the
2 documentation requirements as it relates to roads.

3 What we have done in each of these
4 packages for some ease of convenience in terms of not
5 having to refer continually back to Exhibit 813 is we
6 have extracted some pages, particularly some figures,
7 and included them in the package.

8 So if you could turn in this package to
9 page C, that is a copy of page 173 of Exhibit 813A and
10 the next page which is Exhibit 844, page D, is a copy
11 of page 175 of Exhibit 813A. So we shouldn't have to
12 go back into the statement of evidence.

13 Q. Mr. Bisschop, what is the time frame
14 that we are talking about when we are dealing with the
15 planning discussed in Part 11?

16 A. We are dealing with the five-year
17 term of the plan, we are dealing with the planning of
18 operations primarily within the areas that are
19 allocated as was discussed in Part 10 of this evidence.

20 Q. Now, we have heard two terms used in
21 these hearings and they are referred to in the
22 Environmental Assessment Document itself, those two
23 terms being normal operating areas and areas of
24 concern. Could you briefly describe what each of those
25 terms mean?

1 A. The way we have organized the
2 planning of operations within areas that are selected
3 for operations for the five-year term is in two ways:
4 where there are specific features or values identified,
5 those values then become translated into areas of
6 concern. We have detailed planning requirements. The
7 resultant prescription for those areas is intended to
8 ensure that the values are protected. So there are
9 detailed planning requirements for areas in which there
10 are non-timber values. Those areas become defined as
11 areas of concern, and I will speak to that in a moment,
12 and we produce specific prescriptions for those areas.

13 For the remainder of the land area then
14 that is selected, the silvicultural ground rules that
15 we explained earlier in - and I can't recall the part
16 number now - Part 4 or 5 of Document 2.

17 Q. Part 6.

18 A. Part 6. The silvicultural ground
19 rules which have been developed would apply. Those
20 silvicultural ground rules describe acceptable
21 silvicultural practices for the management unit and in
22 essence represent normal practice for that management
23 unit; therefore, that remainder of the land area gets
24 labeled the normal operating area. And those
25 silvicultural practices -- those acceptable

1 silvicultural practices have been designed to ensure
2 that protection of the environment is addressed in that
3 the important aspects of the environment in those areas
4 are primarily the timber resource itself and related
5 soils and site characteristics. So the balance of the
6 area that is selected is coined the normal operating
7 area.

8 Q. So in essence then the normal
9 operating areas are the areas which remain after
10 non-timber values have been addressed through area of
11 concern planning?

12 A. That's correct.

13 THE CHAIRMAN: In other words, represents
14 non-area of concern areas?

15 MR. BISSCHOP: Correct.

16 MR. FREIDIN: Q. Now, is this
17 explanation - and I don't want you to read or repeat
18 the explanation that is contained therein - but is the
19 explanation contained in the Environmental Assessment
20 Document itself?

21 MR. BISSCHOP: A. Yes. The explanation
22 is provided in the description of the planning process
23 that addresses determination of operations on page 146
24 of the Class EA. There are two paragraphs on page 146
25 that address the subject. Basically they describe what

1 I have -- in detail what I have just spoken to orally.
2 Also they are described on page 16 of the Class EA
3 where we outline the rationale for using the Class
4 Environmental Assessment approach for the timber
5 management undertaking. We will be speaking to that
6 again in Panel 17.

7 MR. FREIDIN: And it's page 16, Mr.
8 Chairman, you may recall when you have an opportunity
9 to look at it, is the section that has been referred to
10 by numerous witnesses to date.

11 Q. Now, are the two concepts, normal
12 operating areas and areas of concern, new and why do
13 you have the two concepts; why did you develop these
14 two concepts?

15 MR. BISSCHOP: A. I think it's -- I
16 think it's probably become clear, at least it's been
17 referenced in evidence to date, that really these
18 concepts are not something new, they are formalized
19 through the timber management planning process, but
20 they are not really new in the sense that we have
21 always followed good silvicultural practice in
22 timber -- in carrying out timber management operations.

23 That has now become formalized through
24 the requirement to produce silvicultural ground rules
25 and we have always been addressing identified values

1 and features and looking at the question of protecting
2 those values and features in some way.

3 You have heard in the past evidence the
4 evolution of the planning process, you probably are
5 familiar with a term that we used to use called
6 modified management areas. The area of concern
7 approach is simply a further evolution and
8 formalization of the requirements to address other
9 values in timber management planning.

10 What has changed, however, is really the
11 approach that we have taken, certainly in terms of
12 formalizing the requirements, but also some other
13 specific dimensions of the planning. We now, through
14 area of concern planning, have case-by-case
15 site-specific consideration of how to protect
16 non-timber values. We do it case-by-case through the
17 timber management planning process and produce a
18 prescription to address the value that is, if you will,
19 unique to each individual situation we are dealing
20 with.

21 In the past we used standard kinds of
22 prescriptions to address values. You have heard about
23 the infamous doughnut approach to protecting values
24 around lakes, for example, where we would have reserves
25 around lake trout lakes. We have moved away from that

1 standard prescription approach to looking at individual
2 cases on their own merits.

3 A second change relates to what I would
4 call, I guess, the formalization of public involvement
5 in that planning so that through public involvement,
6 particularly dealing with affected parties,
7 prescriptions are produced that involve those affected
8 parties in their determination.

9 Third, we have formalized documentation
10 requirements for this case-by-case analysis to make
11 decisions traceable, if you will. So there is always
12 the requirement to document how decisions are made and
13 through that the opportunity is provided for anyone to
14 trace how decisions were made, what kinds of options,
15 for example, were considered and how public comments
16 were incorporated.

17 And finally for normal operating areas we
18 now have consistent formalized documentation
19 requirements that address normal operating areas
20 through the silvicultural ground rule documentation
21 requirements in the timber management plan.

22 Q. Mr. Bisschop, in the evidence to date
23 and in your overhead you refer to the terms value and
24 the term -- and areas of concern. Are they different?

25 A. Yes, they are. And I think the best

1 way to demonstrate this -- and we have included as a
2 second page of the exhibit a figure which conceptually
3 tries to explain the difference and I think it's very
4 important to understand the difference.

5 In general we should be looking at values
6 as primarily site-specific features that we identify
7 and that is what a values map does. On page B of
8 Exhibit 844, the first -- the top half of the diagram
9 indicates what you would see on the values map; you
10 would see the lake identified as a walleye lake, you
11 would see the spawning area identified on that lake at
12 the inlet of the river into the lake.

13 Q. So, in that case, there would be two
14 values; the warm water lake being one, and the even
15 more specific one being the spawning area?

16 A. That's correct. In terms of
17 addressing the water quality dimension of our concern,
18 which was spoken to by I believe Dr. Allin in terms of
19 speaking to the fisheries guidelines and the way they
20 also address water quality, one would look at the
21 river, the lake and the stream themselves as values, if
22 you will, to address the water quality question.

23 If you make the assumption then that all
24 stands around that lake have been selected for harvest
25 as described by Mr. Kennedy and Mr. Multamaki in Part

1 10 of this document, we then look at what is - what I
2 would call the area of influence around those values
3 where we have some concern about operations.

4 Basically the areas have been selected
5 for harvest and there is an area of influence around
6 the values where we are concerned that timber
7 management operations may adversely affect the values
8 that have been identified.

9 So we translate that area of influence,
10 if you will, into an identification of a geographic
11 area that we call the area of concern and on the
12 overhead I think you can see it best in terms of the
13 colours. We have taken, in this case, the fisheries
14 guideline direction to identify the area of influence
15 that we are concerned about as being 90 metres around
16 the waterbody and watercourses.

17 It is in that area where we will be
18 looking in detail, first of all, for further
19 information particularly on slope and in that area in
20 which we will produce a prescription that will be
21 designed to protect the values that are identified in
22 the top half of this figure, the walleye lake, the
23 spawning area and the watercourses.

24 One point I would make is that in this
25 case the direction provided through the fisheries

1 guidelines and the accompanying policy do give some
2 specific direction about dimensions of the area of
3 concern. In this case, they basically say consider 90
4 metres as the largest area that you would be concerned
5 about, you would look at narrowing that through
6 prescription.

7 For other values, for example a value
8 related to a tourism operation, the actual geographic
9 identification of the area of concern may be something
10 such as the skyline limit away from the waterbody. The
11 actual definition of the geography that is related to
12 the area of concern will be variable depending on the
13 value and will involve, in the case of the tourism
14 operation, consultation with the tourist operator about
15 what would be the dimensions of the area of concern in
16 which the operator would have a concern about
17 operations and, therefore, that area becomes the area
18 that we look at in detail.

19 Q. Now, you have referred to the
20 direction that is provided by the Fish Habitat
21 Guideline that indicated -- that indicates that 90
22 metres is the largest area that you might be concerned
23 with. Does the area of concern planning process
24 contemplate and provide for a situation where
25 information might dictate consideration of a

1 prescription going back further than 90 metres from the
2 lake?

3 A. For the fisheries guidelines?

4 Q. Not specifically in the fisheries
5 guidelines. I am saying, the area of concern planning
6 process, when applied, does it contemplate in fact the
7 possibility of in fact having a prescription in
8 relation to operations covering an area greater than
9 just the 90 metres which is the guidance provided by
10 the Fish Habitat Guidelines?

11 A. The area of concern -- if I
12 understand what you are asking here, the area of
13 concern process would allow for consideration of a
14 larger area if there were additional values involved in
15 addition to the fisheries value.

16 Q. Could you describe the area of
17 concern planning process itself, Mr. Bisschop?

18 A. If you turn to page C of Exhibit 844,
19 and also to pages -- to page 144 of the Class EA.

20 Q. Sorry, Mr. Bisschop, the two
21 documents we are to look at?

22 A. Page C of Exhibit 844, which is what
23 I call the decision tree overhead.

24 Q. Yes.

25 A. And page 144 through 152 of the Class

1 EA. Basically this figure on page C of Exhibit 844
2 summarizes the text of pages 144 to 152 of the Class EA
3 and it summarizes it in a very simplified form. The
4 figure basically outlines the questioning process that
5 a planner would go through to address area of concern
6 planning and it's simplified in the sense that we
7 assume through explaining this figure that in every
8 case you are making one and only one decision.

9 So when I go through the figure you
10 should understand that it's being deliberately
11 simplified, just as we have simplified the entire
12 explanation of the timber management planning process
13 of being sequential when it's really iterative and when
14 it's also asking yourself all of these questions at the
15 same time, so it's more complicated than making one
16 decision or the other; it's making commonly several
17 decisions at the same time. But I think it's important
18 to understand the structure of the questioning approach
19 that one would go through.

20 We have an area of concern and the first
21 question we ask ourselves is: Can timber management
22 operations be carried out at all, if you will, while
23 protecting the other identified resource feature, land
24 use or value.

25 Q. So when we started at the top then,

1 we assume that we have identified a non-timber resource
2 feature, land use or value?

3 A. That's right. We have identified our
4 areas of concern primarily through using the values map
5 and to address the water quality question we use the
6 1:50,000 topographic maps to identify all waterbodies,
7 lakes greater than 10 hectares and all permanent
8 streams which are outlined on the 1:50,000 topographic
9 maps. So we have identified the geographic area of
10 concern and we now enter the questioning process of
11 determining what options can be carried out, if any
12 at all, and ensure that the values are protected.

13 So we ask the first question, and assume
14 we make a decision: No, no operations can be carried
15 out. The decision would be a reserve, and here I am
16 speaking specifically now about harvest, renewal and
17 tending operations in particular. There are some
18 exceptions to this decision which I think emphasises
19 how the whole process isn't as simple as providing one
20 answer or another, that I should just highlight very
21 briefly, and we will be talking about them in some
22 detail later.

23 First of all, we may have to affect that
24 area of concern with roads. We will speak to the
25 question of how we decide when a road -- when and how a

1 road will traverse an area of concern later in the
2 explanation of the planning process.

3 Second, for protection operations which
4 are the subject of additional planning process that we
5 will be speaking about tomorrow, we may end up carrying
6 out protection operations, particularly insecticide --
7 insect protection operations in an area of concern in
8 the sense that we are trying to protect the forest
9 cover that would have been the original reason for
10 prescribing a reserve in the first place.

11 Q. So that the term reserve, with the
12 exception that you have mentioned, deals or is an area
13 where no operations are permitted?

14 A. No harvest, renewal and tending
15 operations. The third point I would like to make is
16 that there may be situations where we cannot ensure
17 maximum protection through a reserve. An example that
18 comes to mind is in our Algonquin Region, for example,
19 where we may have an industrial demand requirement for
20 high quality veneer yellow birch saw logs, we may have
21 a shortage of those -- of that material and we may
22 prescribe that there can be selective removal of those
23 trees in an area that normally would be prescribed as a
24 reserve.

25 We would have to -- to make that decision

1 and justify the decision to do that - and we will speak
2 later to the documentation requirements - but there may
3 be situations where maximum protection through a
4 complete reserve with no harvest, renewal and tending
5 operations will occur. An important point I would like
6 to speak to on that is that we would have to justify
7 that kind of decision.

8 Q. And is that particular point made at
9 the bottom of page 147 and the remainder of the
10 paragraph on page 148 of the Environmental Assessment
11 Document?

12 A. Yes. Mr. Chairman, I'd specifically
13 address your attention to the top of page 148,
14 beginning in the first full sentence at line 2 and I
15 think it's fairly self-evident what that sentence
16 attempts to explain, the two sentences in that
17 paragraph.

18 Q. Thank you, Mr. Bisschop. Now, Mr.
19 Bisschop, what about the other parts of this decision
20 tree?

21 A. Returning to the first question. If
22 we make the decision that: Yes, we can operate and
23 protect the value, we then ask ourselves a second
24 question and; that is: If operations can be carried
25 out, how can they proceed?

1 What we have outlined at the bottom half
2 of the figure is, if you will, the optional kinds of
3 directions that that question would lead you. First of
4 all, we may have a concern that only relates to the
5 subject of access. We would then move down the
6 decision tree into the left-hand column and, as we will
7 describe later in some detail in the road planning part
8 of this discussion, we would identify precise locations
9 for primary and secondary roads that traverse the area
10 of concern using Appendix II of the Class EA and we
11 would address the question of conditions on tertiary
12 roads.

13 Q. Okay.

14 A. We may decide that we could still
15 operate normally. We looked at the question of: Can
16 we operate and how can we proceed, and we may decide
17 that we can still protect the value and operate in a
18 normal fashion. Normally this decision is something
19 that I would think of as not happening so much in
20 itself and that is why I emphasize that this simplified
21 decision tree shouldn't be assumed as a yes/no answer
22 all the time.

23 Really a decision on normal would
24 probably happen in combination with another decision
25 to, for example, prescribe a reserve for part of the

1 area of concern and, having prescribed that reserve for
2 the remainder of the area of concern, there is no
3 further conditions required on operations and you could
4 continue to operate in a normal fashion.

5 I will describe this a bit later in an
6 example and I think it will become clearer. The
7 important point here is that if there ever is a
8 decision that you will operate normally, you have to
9 justify that decision. And that is explained on page
10 149 in the first full paragraph beginning at line 13.
11 And, again, I think the discussion there is
12 self-evident about the requirement to justify that kind
13 of a decision.

14 Q. And just if I could go back -- just
15 go back to the reserve decision. If you decide that
16 you are going to go reserve, is that something that
17 must be rationalized as well; must you explain that
18 decision?

19 A. At the moment in the discussion of
20 the Class EA of the process, referring to page 147 and
21 the paragraph beginning at line 11, there is not a
22 documented requirement there that you have to justify
23 those decisions. However, I would say that the -- that
24 our position now is that reserve decisions must be
25 justified.

1 Normally that's a -- in many cases, for
2 example when we are dealing with such values as
3 heronries, osprey nests, et cetera, the justification
4 is the reference to the direction that is provided in
5 manuals that we have that address those values that
6 make the prescription for protection of those values
7 commonly a reserve prescription.

8 Q. Now, Mr. Bisschop, in what
9 circumstances do you enter into the part of the
10 decision tree at the bottom right where you actually go
11 into a consideration of modifying operations in areas
12 of concern?

13 A. When we asked ourselves the question
14 of: Can we proceed if -- if operations can proceed,
15 how should they proceed, and we make the decision that
16 normal operations will not ensure protection of the
17 value, rather we have to do some modification of those
18 normal operations, you then enter the right-hand column
19 of the decision tree.

20 If normal operations will not ensure
21 protection, we look at modifying those operations,
22 and I think Mr. Kennedy earlier referred to how the
23 origin of the term modified is basically modifications
24 of normal -- modifications of normal as described in
25 silvicultural ground rules.

1 We then enter this part of the planning
2 process and would produce a specific prescription that
3 addresses harvest, renewal and tending operations and
4 we would do that through Appendix I of the Class EA.

5 So, as I mentioned earlier in some of the
6 introductory comments I had on the process, one should
7 not look at Appendix I of the Class EA as the area of
8 concern planning process. It is a part of the process
9 and it fits in when you make the determination that you
10 have to do some kind of modifications on normal
11 operations. You then enter that appendix and address
12 the question of what kinds of alternative modified
13 operations could I carry out to protect the value.

14 Q. What type of prescriptions could
15 result from the application of the area of concern
16 planning process?

17 A. As I mentioned earlier when I
18 introduced this figure, we have outlined a process that
19 involves asking yourself questions in some kind of
20 sequence and assuming that single decisions are made.

21 At that time I emphasized that that's
22 really not how it works in practice, you are asking
23 yourself all of the questions together and commonly you
24 don't end up with just one decision, one kind of
25 prescription for an area of concern, but you end up

1 with a combination of prescriptions.

2 So commonly we would have, for an area of
3 concern, a prescription that includes a reserve
4 prescription, possibly part of the prescription for the
5 area of concern could be normal, which would have to be
6 justified, and commonly the prescription would also
7 include part of this prescription being modified
8 operations.

9 And the best way I think to explain that
10 is to use the next figure in Exhibit 844, page D, and I
11 think the best way that I can explain this perhaps in
12 some more detail than the figure demonstrates is to
13 come up and add some additional information on the
14 figure.

15 Mr. Chairman, as I indicated, I am going
16 to add some additional information and I'd suggest that
17 you add it to your copies as I do it.

18 First of all, we have at the top half of
19 the figure an outline of the situation we are dealing
20 with, we have stands that have been selected for
21 operations outlined in the red line and we have defined
22 our area of concern, and we have indicated that the
23 concerns we are dealing with here are two values; a
24 tourism concern and a fisheries value.

25 The idea here is to demonstrate that we

1 are often dealing with a multitude of values when we
2 are dealing with planning and that has implications in
3 terms of the way we produce prescriptions.

4 If the first thing I could do is add that
5 tourism feature, that tourism value to demonstrate
6 later how we address that value and what I would do is
7 simply put in the location of a lodge on that lake, and
8 that location is important in terms of how I am going
9 to explain how we would make prescription decisions
10 that will accommodate that value specifically.

11 The area of concern is defined in this
12 case through a combination of two pieces of
13 information, if you will; direction provided through
14 the fisheries guidelines and the policy associated with
15 it that basically -- for example, if you refer back to
16 my original example on how we would create an area of
17 concern from a value, would have said that the area of
18 concern should be at least 90 metres from the
19 watercourse.

20 The addition of the additional
21 information on the tourism value may have expanded that
22 area of concern, and I don't suggest a dimension here,
23 but there would be an additional dimension to the area
24 that attempts to address that value, and you will
25 notice that it is on both sides of the lake, the

1 tourist operator is concerned about operations on
2 either side of the lake not just in the vicinity of his
3 facility.

4 For the moment assume that my letter N on
5 the prescription part of the figure don't exist and I
6 will just put an "x" through them for the moment. If
7 you refer back to my original explanation of the
8 differences between area of concern and normal
9 operating areas, being the white area on the first half
10 of the diagram, they are obviously your normal
11 operating areas in which the silvicultural ground rules
12 would apply and that's why we had the letter N on the
13 map.

14 I have not located -- if you look at the
15 prescription on the bottom right of the bottom figure I
16 have not located the actual total geographic area of
17 the area of concern, I have only dealt with part of the
18 prescription. So I am going to add an additional line
19 here to transfer the complete area of the area of
20 concern on to the bottom figure and it's simply taking
21 the dotted line to show that the entire area of concern
22 in the top half ends up down on the bottom half.

23 And what I will demonstrate there is how
24 through the process we can make a decision that for the
25 area of concern on the bottom the prescription that we

1 would prescribe for that area to protect the values is
2 a reserve along part of the lake to address, in this
3 case, the fisheries values and assume that that reserve
4 is 30 metres based on slope, 30 metres, 60 metres
5 whatever, based on slope.

6 For the remainder of the area assume that
7 the tourist operator doesn't have a concern related to
8 his lodge behind his lodge. We then would prescribe
9 normal operating -- normal operations could occur in
10 the remainder of the area of concern on that side of
11 lake because the reserve provides adequate protection,
12 assures protection of the value no additional
13 modifications are required to address the other values
14 on that side of the lake, normal operations would then
15 become the decision. The rationale for normal in this
16 case would be reserve provides adequate protection of
17 values, no additional modification is required.

18 To deal with the tourist operator's
19 concern, really he is more concerned about what he and
20 his clients are going to be looking at across the lake
21 than behind the facility on the side of the lake where
22 the lodge is located. So in that part of the area of
23 concern on the other side of the lake we assume here
24 that the identification of the geographic area of the
25 area of concern is the skyline, if you will, we then

1 prescribe product modified operations beyond the
2 reserve. The reserve decision, first of all, is made
3 on the basis of fisheries values, water quality values.
4 For the remainder of the area of concern
5 we'd prescribe modified operations to address the
6 aesthetic concern, if you will, of the tourist
7 operation.

8 Q. So can we assume then that the area
9 of concern which was identified on the left side or the
10 west side of the lake was an area of concern which was
11 developed or identified not just to address a fisheries
12 value but also to address the tourism value because of
13 the tourist operator's view from across the lake?

14 A. That's right, and we would assume
15 that the tourist operator had input into the actual
16 decision on geographically identifying what the concern
17 is and he said I am concerned to the skyline. On the
18 other side of the lake his concern to the skyline isn't
19 as apparent in this conceptual example.

20 So what we are demonstrating here is that
21 applying that decision tree I talked about we commonly
22 make a combination of decisions.

23 MR. MARTEL: Could I ask a question, Mr.
24 Bisschop--

25 MR. BISSCHOP: Yes.

1 MR. MARTEL: --before you go on with
2 respect to the tourist operator. Could he, for
3 example, say to you: We don't want you to operate
4 during the peak season of our customers coming in, our
5 clients and ask that the cut not be modified as much as
6 the timing of the cut?

7 MR. BISSCHOP: The example you described
8 is something that I would consider as one alternative
9 and perhaps the prescription for modified. The
10 modified prescription is -- in that example, yes, you
11 could carry out your operations as you normally would
12 but don't do it at this particular season. That is, in
13 my view, a modified prescription related to the timing
14 of the operations.

15 MR. FREIDIN: Q. Just going along on
16 that example, if the tourist operator's concern in Mr.
17 Martel's hypothetical situation was not one of a visual
18 problem but of noise, could the area of concern then in
19 terms of geographical dimensions be different than the
20 geographical dimensions of the area of concern to
21 address the tourist operator's aesthetic concerns?

22 MR. BISSCHOP: A. That's right. There
23 may be a difference in the extent of the area in which
24 he is concerned.

25 Q. In that situation, again, a

1 prescription could -- could a prescription be developed
2 which would address the noise concern by way of
3 modifying timing of operations?

4 A. That's right. Don't start your
5 operations at seven o'clock in the morning and stop by
6 four or whatever, perhaps.

7 Q. Or winter operations only?

8 A. Yes. Conditions on the timing and
9 season of operations would be considerations as
10 modifications to normal operations.

11 Q. And just -- I don't think you
12 indicated, Mr. Bisschop, in the conceptual factual
13 situation that you gave you have indicated here that
14 you might end up with a modified prescription on the
15 west side of the lake. In your conceptual situation
16 was that modification to address the tourism value?

17 A. Yes. In my example the prescription
18 that relates to modified would be to address the second
19 value in this example, the value related to the tourism
20 operation.

21 Q. Could you --

22 A. You have covered the fisheries, water
23 quality concerns through the prescription of reserve
24 around the lake to begin with.

25 Q. Could you describe how one might be

1 able to carry out operations in that modified -- in
2 that area which is marked M, actually carry out
3 operations but through modifications to those
4 operations address the concerns of the tourist operator
5 on the other side of the lake?

6 A. I'm sorry, I'm not sure I'm clear on
7 your question.

8 Q. You indicated that the area marked M
9 is an area where you modified normal operations to
10 address the aesthetic concern of the tourist operator;
11 is that correct?

12 A. That's right. His aesthetic concern
13 primarily relates to what he sees across the lake.

14 Q. All right. So you have a
15 prescription which allows someone to go into that area
16 and operate in a way which does not affect the visual
17 concerns of the tourist operator?

18 A. That's correct.

19 Q. Can you just give me an example of
20 what a prescription which would do that or have that
21 effect might say?

22 A. The prescription, for example, might
23 say: Don't do a complete clearcut, do some kind of
24 selective cutting operations on those areas, do
25 something in terms of a cutting pattern that reduces

1 the visual impact, that sort of thing.

2 Q. Thank you.

3 THE CHAIRMAN: Can you find a spot to
4 take a break at some point, Mr. Freidin.

5 MR. FREIDIN: This will be a convenient
6 place, Mr. Chairman.

7 THE CHAIRMAN: 20 minutes.

8 ---Recess taken at 9:55 a.m.

9 ---On resuming at 10:30 a.m.

10 THE CHAIRMAN: Thank you. Be seated,
11 please.

12 Mr. Churcher, did you get back your
13 Exhibit 7?

14 MR. CHURCHER: Yes, I did. Thank you.

15 THE CHAIRMAN: Okay.

16 MR. BISSCHOP: Mr. Chairman, before we
17 continue there is a couple of matters I would like to
18 clarify, I think I may have left some incorrect
19 impressions.

20 First of all, turning to Exhibit 844,
21 page B, the diagram on the difference between a value
22 and an area of concern, Mr. Freidin asked me a question
23 after I explained that about -- basically he said this:
24 Could the area of concern be larger than 90 metres to
25 address specifically only a fisheries or water quality

1 value, and my response was that -- I believe I said no,
2 you would have to have an additional value in order to
3 have a larger area of concern.

4 I'm not quite correct there in the sense
5 that we should always look at guidelines as guidelines
6 and the fisheries guidelines of course are guidelines
7 as any others and there may be situations where the 90
8 metres isn't enough.

9 We shouldn't treat the 90 metres as a
10 hard and fast rule in terms of applying the fisheries
11 guidelines. There may be situations, although they are
12 probably not very common, in which a larger area of
13 concern may be addressed to look at the fisheries or
14 water quality concern. My point is it doesn't
15 necessarily require that another value be there to
16 expand the area.

17 Secondly, returning to the next page, the
18 decision tree, if you recall in my explanation on --
19 going through that tree and getting to the discussion
20 on reserve I referred to the yellow birch example in
21 Algonquin region.

22 The point I would like to make there is
23 that if we make a decision that we are going to not be
24 able to provide total protection, and we have to
25 justify that decision, what you would have there as a

1 result of the process is not a reserve, you would have
2 a specific modified prescription to address that value
3 and also address the requirement to look at the timber
4 management timber value as well, you need that product.
5 My point there is that the prescription in that
6 situation will be a specific modified prescription, it
7 will not be a reserve.

8 MR. FREIDIN: Q. Now, I believe you had
9 described the kinds of prescriptions which could result
10 from application of the AOC planning process and when
11 you would enter into the -- part of the decision tree
12 entitled: Modifications to Normal Operations. Could
13 you describe how Appendix I which is referenced there
14 actually works?

15 MR. BISSCHOP: A. Yes. First of all,
16 referring back again to the decision tree, Exhibit 844,
17 page C, again to draw attention to the fact that it's
18 not as simple as one answer versus the other and the
19 process is very iterative. You enter the modified
20 column of that tree when you basically believe that you
21 have to modify operations in order to protect the
22 value.

23 The way the iterative process would work
24 is that you may enter that route in decision-making and
25 ultimately conclude that even after looking at

1 modifications that really you shouldn't be operating at
2 all, you may come back and conclude that you should
3 have a reserve or, conversely, you may conclude upon
4 looking at modifying operations that you could in fact
5 ensure protection, adequate protection through
6 operating in a normal fashion.

7 My point here again is it's not as simple
8 as you are headed down that direction and there's no
9 turning back to reassess your decisions. You may
10 make -- as a result of following through that process,
11 you may come back and make a decision to prescribe a
12 reserve or you may satisfy yourself and justify that
13 decision that you can protect the value by operating
14 normally.

15 However, assuming you enter that part of
16 the process and again you believe that modifications to
17 operations are required, there is a formal process that
18 you must follow and that's outlined in brief form on
19 page E of Exhibit 844 which is really a summary of the
20 details that appear in Appendix I of the Class EA.

21 Excuse me, Mr. Freidin, that's the wrong
22 overhead.

23 Q. Sorry.

24 A. And I'd suggest perhaps that we turn
25 to Appendix I of the Class EA and I am going to expand

1 on this overhead but provide a brief summary of the
2 context of Appendix I. This is probably a place where
3 it would have been appropriate to have a tab on the
4 document but -- have you found Appendix I?

5 THE CHAIRMAN: (nodding affirmatively)

6 MR. BISSCHOP: What I have outlined here
7 is what I would refer to as your typical environmental
8 assessment analysis kinds of requirements.

9 In the simplest fashion the way to
10 explain it is it -- the way I have written the
11 requirements of the environmental analysis is based on
12 my long experience in terms of dealing with
13 environmental assessment, my previous experience when I
14 was with Hydro, my review of literature at the time and
15 trying to explain systematically how the process would
16 work. So I will provide a summary of it.

17 Really the analysis involves three steps
18 which are outlined in the overhead and page E of the
19 Exhibit 844. You identify alternative modified
20 prescriptions, you carry out an analysis of those
21 alternatives and you select the preferred alternative
22 with the rationale.

23 Dealing with each of those separately and
24 particularly step 2 in detail. First of all, identify
25 alternative modified prescriptions. What would happen

1 here is that we would consider, as we do for all timber
2 management operations, harvest, renewal and tending
3 operation as a package. We are not just dealing with
4 harvest operations.

5 MR. FREIDIN: Q. Where are we? Are you
6 speaking to a specific part of Appendix I at the
7 moment?

8 MR. BISSCHOP: A. I'm speaking to Step
9 1.

10 Q. Okay.

11 A. Secondly, in terms of sources of
12 direction on what would be alternative acceptable
13 prescriptions, I'd simply draw attention to the
14 provincial guidelines and various resource
15 environmental manuals that the Ministry has which were
16 spoken to in detail in the evidence of Panel 8 and
17 subsequent panels as providing direction on alternative
18 prescriptions that could be considered.

19 One point I would like to make and it's
20 on page -- it's discussed in the first full paragraph
21 on page 2 of Appendix I, I mentioned this yesterday in
22 the discussion of alternatives for primary roads.
23 There may be situations where only one prescription is
24 considered suitable, whenever that happens we have to
25 justify the non-consideration of alternatives.

1 Having identified the alternatives we
2 then enter into the analysis of the alternatives which
3 is described in Step 2 on pages 3 to 5 of the appendix,
4 and as you can see on the top of page 3 that analysis
5 has really three parts, and this I'm sure is common
6 knowledge to the Board as well as many others about
7 environmental analysis.

8 The parts are, first of all, identify the
9 potential effects; secondly, determine their
10 significance; and, third, identify what I would call
11 additional measures, preventive and mitigative measures
12 which could be employed to reduce the effects.

13 Dealing with each of those separately,
14 the identification of effects - and this is discussed
15 on the pages of the appendix - involves information and
16 knowledge that's contributed by the planning team
17 members and the public, and basically the information
18 on what are the effects was described in considerable
19 detail in Panels 10 to 13 and that kind of information
20 should be considered as a source of information on
21 effects.

22 The second part of the process involves
23 determination of the significance of those effects. In
24 effect, translating effects into impacts by addressing
25 the question of value judgments in terms of what are

1 the significant effects to be considered for that
2 particular case you're dealing with. Again, the
3 planning team and public contribute here and the
4 determination of the significance is based on
5 information which may be quantitative; for example, the
6 total area that's involved, the extent of -- in a case,
7 for example, dealing with a waterbody or watercourse,
8 the extent of the area of concern that's involved in
9 terms of that modified prescription; and, secondly,
10 qualitative information which deals with the whole
11 subject of values.

12 And, as I have indicated, planning team
13 staff come to the process with values that each of the
14 individual members of the planning team must address
15 and the public itself would contribute, particularly
16 affected parties in the specific case of an area of
17 concern.

18 Q. And the comment that there are
19 qualitative aspects or considerations is summarized, am
20 I correct, in the first full paragraph on page 4 of the
21 appendix?

22 A. That's correct.

23 Q. Thank you.

24 A. So as a result of adding this
25 question -- basically you are asking the question in

1 terms of effects, so what, and that results in the
2 determination of the significant effects for that
3 situation you are dealing with.

4 We then would look at any additional
5 measures which could be employed to further prevent,
6 minimize or mitigate the effects that we've talked
7 about, preventive and mitigative measures.

8 For example, the subject of seasonal time
9 of day restrictions would come into play here. I would
10 suggest another example might be that to deal with a
11 tourism operation where we are going to carry out
12 harvest operations, the tourism operator might wish to
13 see the earliest possible regeneration efforts directed
14 and that would be considered -- I would consider that
15 as a mitigative measure that could be added on top of
16 the prescription to ensure that the effects are dealt
17 with as quickly as possible.

18 The key point here is that these
19 preventive and mitigative measures should be ones for
20 which a firm commitment could be made; a firm
21 commitment in terms of season, time of day, for
22 example, a firm commitment to do rapid regeneration
23 efforts in the examples I've used.

24 Again, the provincial guidelines and
25 resource environmental manuals can serve as a source of

1 information for additional measures that can be
2 employed. The result of this sort of three-part
3 environmental analysis would be to determine for any
4 alternative what I would call the net impacts related
5 to those alternatives. We've defined the effects,
6 we've determined their significance, we've looked at
7 what else can we do and as a result we have a net
8 impact for each alternative.

9 We then would go into Step 3, which is on
10 pages 5 and 6 of the appendix, and we would select the
11 preferred alternative. Again, the planning team is
12 involved here and the public, in particular affected
13 parties, and the decision would be based on the results
14 of the analysis and judgments and tradeoffs which would
15 have to be considered in making a decision.

16 THE CHAIRMAN: Mr. Bisschop, I am going
17 to ask you a question. Before you answer it give your
18 counsel a chance to leap around, he may wish to.

19 MR. BISSCHOP: Could I leap around too,
20 please?

21 THE CHAIRMAN: Well, you could too, I
22 suppose, because he may want to reserve this for
23 argument.

24 Is it your position that the selection of
25 the alternative should be the best environmental

1 alternative as opposed to one that might be considered
2 to be environmentally acceptable, recognizing that best
3 is not necessarily the same as something which would be
4 judged on a tradeoff basis to be acceptable?

5 MR. FREIDIN: My response, if I might,
6 would be that I would have to understand very clearly
7 what you meant by best.

8 THE CHAIRMAN: Well, for instance,
9 something that might be best in terms of an
10 environmental impact - and you have to be careful here
11 because there is such a wide definition of environment,
12 which includes social and economic impacts - but at
13 least from the perspective of the natural environment,
14 as an example, best might be one that would be a
15 situation where the impact would be almost totally
16 negligible.

17 MR. FREIDIN: Well then, I have no --
18 sorry.

19 THE CHAIRMAN: Sorry. As opposed to one
20 where there may be some impact on a natural
21 environment, some negative impact but it is not of such
22 a magnitude that would be a major concern, the
23 mitigative measures taken would lessen the impact to
24 such an extent that you would say that it's acceptable;
25 it's not perfect, there is a better alternative, but

1 perhaps the better alternative, for instance, costs
2 more money, is more difficult to implement and,
3 therefore, is not the one that is preferred?

4 MR. FREIDIN: I have no problem with the
5 witness answering the question as you just phrased it
6 dealing with that hypothetical in the natural
7 environment, et cetera. Mr. Bisschop?

8 MR. BISSCHOP: And I have no problem
9 dealing with the question. I think, first of all, I
10 would refer you to page 5 of the appendix, the heading
11 for step 3. That in itself I think is recognition of
12 the very point you are making that, yes, we make a
13 decision on which is most acceptable from all
14 perspectives, looking at total environment, recognizing
15 that timber values are also a consideration that enter
16 into the question.

17 In the paragraph under that heading, I
18 would refer you to the second sentence that draws
19 attention to the fact that judgment is involved and I
20 would suggest that that judgment refers to this
21 decision-making requirement on best, pure
22 environmental, natural environmental, if you will,
23 versus looking at the question more totally.

24 THE CHAIRMAN: Okay, thank you.

25 MR. FREIDIN: Mr. Chairman, it would

1 certainly be --

2 Q. Well, Mr. Bisschop, in considering
3 whether an effect on the natural environment as a
4 result of timber operations was one which would be
5 accepted, would you have to consider the effect on the
6 environment of a positive nature of engaging in the
7 timber management activity itself?

8 MR. BISSCHOP: A. Yes, you would.

9 Q. And could you refer back to page 147
10 of the Environmental Assessment Document. Do you have
11 that, Mr. Bisschop?

12 A. Just a moment, please. I would just
13 like to make a note to myself to come back to a point.
14 Okay.

15 Q. On 147, actually starting at the
16 bottom of the page, you refer to the section starting
17 at lines 35 going over onto the next page to the end of
18 the paragraph?

19 A. Yes.

20 Q. Does that in any way, in your view,
21 address the question which the Chairman asked you?

22 A. Yes, I would suggest it does, and it
23 also provides me with the lead to the point I wanted to
24 make, is that - and we will talk to this immediately
25 next - the requirements of the analysis that I just

1 described, of course, need to be documented. So the
2 effects of any of the alternatives, effects on natural
3 environment, effects on timber values, et cetera, would
4 all be documented.

5 A decision -- I also indicated that the
6 selection of the preferred alternative will be based on
7 that information, plus information brought into the
8 picture by the planning team and the public that deals
9 with having to make judgments and tradeoffs, and the
10 documentation would make the whole decision-making
11 traceable, so that one would see through the
12 documentation of the justification for a prescription
13 decision, in using your example, Mr. Chairman, why the
14 best might not have been accepted but the most
15 acceptable from most perspectives was.

16 THE CHAIRMAN: I think that is a mis --
17 the reason I bring it up is I think it is a
18 misperception that pervades the environmental
19 assessment process sometimes to the extent that the
20 public's expectation sometimes is that every decision
21 must be "the best" when dealing with aspects of the
22 natural environment, forgetting sometimes that the
23 definition of environment under the Environmental
24 Assessment Act of Ontario is much more encompassing
25 than just the natural environment.

1 MR. BISSCHOP: I agree.

2 MR. FREIDIN: And, Mr. Chairman, one
3 should keep in mind perhaps the nature of the
4 undertaking that we have here which is unlike many and
5 most environmental assessments, in that this particular
6 undertaking in fact deals with management of the
7 natural environment itself.

8 Q. Okay. So if you would like to
9 continue from where you were there, Mr. Bisschop.

10 MR. BISSCHOP: A. I think I have
11 finished the discussion of Appendix I where many might
12 consider it to be bureaucratize, but it is logical
13 environmental analysis requirements, look at effects,
14 their significance, take that package of information
15 for each alternative, make a selection of a preferred
16 alternative, have a rationale for it, and documentation
17 of all of that is the basis for traceability of
18 decisions.

19 Q. Now, you have spoken very briefly in
20 your last comments to the Board about documentation. I
21 understand that you have a couple of overheads that
22 speak perhaps in a little bit more detail regarding the
23 documentation requirements of applying the process
24 described in Appendix I; is that correct?

25 A. That's correct.

1 Q. All right.

2 A. First of all, Mr. Chairman, one point
3 I would like to make is I think this is - except for
4 what we have talked about with public consultation in
5 terms of supplementary documentation requirements -
6 this might be the first time that you - although I did
7 speak to it to primary roads yesterday - that you
8 become familiar with some of the detailed documentation
9 requirements that we would have in supplementary
10 documentation.

11 In a timber management plan we record our
12 decisions, in the supplementary documentation we record
13 all of the background that led to that decision, we
14 also record the decision in supplementary documentation
15 and we basically pull that decision out of
16 supplementary documentation and put it into a location
17 in the plan.

18 In this case the supplementary
19 documentation would record decision-making for
20 individual areas of concern, would make conclusions,
21 select preferred prescription. That preferred
22 prescription gets moved into the timber management plan
23 into Table 4.12, and I think this table has been
24 referred to. I will just touch on it briefly.

25 Q. And you will find that that

1 particular table is at page...?

2 A. Page 69, new blue page 69 of Exhibit
3 7.

4 Q. And if people -- Table 4.12 the
5 people should have, if they don't have it in blue
6 pages, the one where in fact there is an access column
7 on the right.

8 A. On that table - and I will refer in a
9 minute to the instructions on the back of it to make a
10 specific point - we would, by individual area of
11 concern, record the prescription that applies to that
12 area of concern and, in this case, we are talking about
13 the prescription for harvest, renewal and tending
14 operations. So you would document the prescription,
15 and commonly the combination of prescriptions that
16 would apply to individual areas of concern and
17 prescriptions being reserve, normal and/or a specific
18 modified prescription.

19 One of the provisions of the process that
20 I didn't speak to but it is spoken to on -- if I could
21 refer to page 70 the instructions on the back of that
22 table, in the note at the bottom we have a provision
23 that areas of concern with common values may have
24 common prescriptions and for the purposes of Table 4.12
25 those prescriptions in areas of concern can be grouped

1 on the table.

2 The best example I would have here is,
3 for example, osprey nests. We would have osprey nests
4 as values on the values map, we would have allocated
5 stands, we would create areas of concern, each uniquely
6 identified No. 1, No. 38, No. 97 would be area of
7 concern osprey -- related to osprey nest. The
8 prescription for each of those situations will commonly
9 always be the same.

10 In Table 4.12, if you can flip back to
11 the format of the table, in the left-hand column we
12 would record by numbers, for example, those three
13 numbers I used and say that the area of concern was
14 osprey nests in these various locations and the
15 prescription would be one prescription that is common
16 every time you encounter that area of concern, that
17 kind of area of concern.

18 And that is what is meant on this
19 overhead by group of areas of concern with the same
20 values. The important point would be that the
21 conditions encountered would have to be the same in
22 order to have a group of areas of concern.

23 Continuing on this overhead, in
24 supplementary documentation then for each area of
25 concern or groups where they apply, we would have to

1 document the determination of the prescription. That
2 documentation would include justification for any
3 reserve or normal prescriptions that we might make, it
4 would have to record the environmental analysis that I
5 spoke to and the rationale for a preferred modified
6 prescription as per the requirements of Appendix I, and
7 we would also record any comment and contributions from
8 the public related to those areas of concern that had
9 some contribution to the development of the
10 prescription.

11 Q. I understand that you have a few
12 comments that you would like to make by way of a
13 summary and that that is referred to on Exhibit 844F?

14 THE CHAIRMAN: It's on G; is it not?

15 MR. BISSCHOP: G.

16 MR. FREIDIN: Q. Oh, I am sorry.

17 MR. BISSCHOP: A. Yes. I would like to
18 make some summary comments of my explanation and at the
19 end I would also like to refer to appropriate draft
20 terms and conditions from Exhibit 700. And really this
21 overhead attempts to summarize some of the key messages
22 of my explanation of the area of concern planning
23 process.

24 The first bullet, for each area of
25 concern a prescription must be determined in the timber

1 management plan, it is a plan requirement.

2 Common prescriptions for areas of concern
3 with the same values are possible and they are an
4 appropriate way of dealing with areas of concern
5 planning.

6 The third bullet in general, I would say,
7 refers to the iterative nature of this whole exercise,
8 the determination of prescription involves asking
9 yourself questions and making decisions on reserve
10 versus normal versus modified and if you make a
11 decision on modified consideration of alternatives,
12 most commonly the prescription for an individual area
13 of concern which will frequently deal with a multitude
14 of values will involve a combination of reserve,
15 modified and normal prescriptions.

16 And finally there is also a provision
17 that in some situations two or more modified
18 prescriptions may be approved as equally acceptable.
19 The example I use here relates in particular to the
20 moose habitat concern question. We may, at the time of
21 preparation of the timber management plan, recognize
22 the concern of moose habitat protection and prescribe
23 the modified prescription that says either have moose
24 corridors or shelter patches as an acceptable
25 prescription to break up the cut, if you will.

1 In a case like that we would consider
2 each of those prescriptions to be equally acceptable
3 and it's a matter of actually implementing one of those
4 prescriptions in the field when the operations are
5 carried out.

6 Q. Now, you indicated that you wanted to
7 refer to some of the draft terms and conditions which
8 have been identified in Exhibit 700?

9 A. Yes. I would like to refer
10 specifically to three conditions at this point,
11 condition No. 13, 19 and 20.

12 Mr. Chairman, condition No. 13 is a
13 fairly lengthy one. Again I don't think we should read
14 it into the record, I can just cover some of the
15 points.

16 THE CHAIRMAN: Okay. The reporter will
17 copy it in full, please.

18 Planning of Access, Harvest, Renewal and Tending
19 Operations

20 13. The approach and planning requirements for the
21 development of specific operational prescriptions
22 for harvest, renewal and tending operations in
23 "areas of concern" are accepted. Particulars of
24 this condition are as follows:

- 25 (a) There shall be an initial determination as
 to whether or not timber management operations
 can be carried out while protecting the
 identified value. If operations cannot
 proceed, a reserve in which no timber
 management operations will be permitted shall

1 normally be prescribed. If it is decided that
2 operations will proceed even though protection
3 of the identified value may not be ensured,
4 justification of that decision must be
5 documented.

6 (b) If it is determined that operations can be
7 carried out while protecting the identified
8 value, there shall be a determination as to
9 whether or not operations can proceed in a
10 normal manner, as described in the
11 Silvicultural Ground Rules, or if
12 modifications to normal operations are
13 required; if it is determined that normal
14 operations can proceed, justification of that
15 decision must be documented.

16 (c) If it is determined that modifications to
17 normal operations are required, there shall be
18 a consideration and environmental analysis of
19 alternative modified prescriptions. The
20 environmental analysis of alternatives shall
21 be documented, and shall provide the rationale
22 for the selection of the preferred
23 prescription.

24 The environmental analysis of each alternative
25 shall consist of:

- 26 (i) identification of the potential
27 environmental effects and determination
28 of the significance of those effects; and
- 29 (ii) identification of potential preventive
30 and mitigative measures.

31 MR. BISSCHOP: The condition has three
32 sections to it. The first part of it deals with, if
33 you refer back to my decision tree, the question of
34 determining a reserve prescription and justifying
35 decisions that deal, as I explained earlier, with
36 situations where sometimes we will not provide that
37 maximum protection through a reserve.

1 The second part deals with the matter of
2 sometimes prescribing normal and the silvicultural
3 ground rules would then apply, justification required.

4 And the third part deals with the
5 planning requirements for modified operations, the
6 detailed environmental analysis that I spoke to.

7 Conditions 19 and 20 I would like to
8 refer to. First of all, as a package, they deal with
9 addressing, if you will, the combined concern of the
10 Ministry of Natural Resources and the Ministry of the
11 Environment as it relates to the question of fisheries
12 habitat and water quality, specific conditions that
13 deal with environ -- I'm sorry, area of concern
14 planning as it relates to that subject. Each of them
15 is fairly short, I could read them into the record.

16 Condition No. 19:

17 "MNR shall ensure that each time the
18 development of a specific prescription
19 for an area of concern involves the use
20 of the Timber Management Guidelines for
21 the Protection of Fish Habitat to protect
22 fish habitat or water quality, the use of
23 the guidelines shall be specifically
24 recorded in the supplementary
25 documentation which accompanies the

1 timber management plan."

2 Condition No. 20:

3 "MNR shall ensure that any proposed
4 prescription for an area of concern which
5 constitutes a deviation from the Timber
6 Management Guidelines for the Protection
7 of Fish Habitat, will be specifically
8 identified. The rationale for the
9 deviation must be presented at the public
10 information centre and documented in the
11 supplementary documentation which
12 accompanies the timber management plan."

13 THE CHAIRMAN: Mr. Bisschop, is that
14 deviation a deviation that would not necessarily
15 require a specific approval under the fish management
16 guidelines itself? As I recall, there were certain
17 deviations from the guidelines which may not require
18 specific approval in order for the deviation to occur?

19 MR. FREIDIN: That evidence was in
20 relation to the moose habitat guidelines.

21 THE CHAIRMAN: Oh, not the fish
22 management guidelines?

23 MR. FREIDIN: That's correct.

24 THE CHAIRMAN: I am sorry.

25 MR. FREIDIN: Q. Now --

1 MR. MARTEL: Could you give me an
2 example? Just for a moment, just for that last part,
3 deviation from the guidelines. Can you think of an
4 example?

5 MR. BISSCHOP: I think -- so that we
6 don't confuse things more, I suppose a good example
7 would be if you go back again to my yellow birch
8 example in Algonquin and you assumed that we are
9 dealing with an area of concern adjacent to a waterbody
10 and we need for wood product requirements the yellow
11 birch.

12 In that case we might deviate from the
13 fish guidelines to get the yellow birch, we would have
14 produced a modified prescription to do that rather than
15 a reserve. We would be deviating from the guideline.
16 There would be a reason for it and we would have to
17 justify it and this condition fulfills the requirement
18 to ensure that that documentation is done.

19 MR. MARTEL: Okay.

20 THE CHAIRMAN: Mr. Freidin, just to
21 refresh our memory, are you saying effectively that you
22 can never deviate from the fish management guidelines?

23 MR. FREIDIN: Absolutely not.

24 THE CHAIRMAN: You can, but you don't
25 need approval to do it?

1 MR. FREIDIN: If you mean prior approval,
2 you need approval of the plan by the regional director
3 and the -- or Director of Timber Sales.

4 THE CHAIRMAN: That is approval under the
5 timber management planning process?

6 MR. FREIDIN: Under the timber management
7 planning process?

8 THE CHAIRMAN: Yes.

9 MR. FREIDIN: An approval from the
10 Ministry of the Environment, if that is what you are
11 asking about, the position would be, no. The provision
12 of the area of concern planning process which requires
13 you to document the rationale for what you are doing
14 and to identify potential environmental effects and, in
15 the case of fish habitat and water quality,
16 particularly where we have this additional term or
17 condition which we are suggesting that we highlight to
18 the Ministry of the Environment when a deviation from
19 the guidelines might occur, then the Ministry of the
20 Environment as one of the publics, in this case a
21 ministry of the government, just like any other person
22 who becomes involved in timber management planning can
23 raise their concern about the proposed modification
24 and, in this case, potential effect of the deviation
25 and through the normal timber management planning

1 process that particular concern can be addressed.

2 I could indicate perhaps --

3 THE CHAIRMAN: So that is -- they don't
4 get any pre-eminent position in terms of the MOE's
5 mandate to protect water quality to say: We are not
6 going to allow a deviation from these guidelines
7 notwithstanding that you would like to deviate from
8 them in terms of the treatment of area of concern
9 prescriptions pursuant to a timber management plan.
10 You are just saying, they are part of the planning team
11 and they take their lumps with the rest of the planning
12 team; is that what you're saying?

13 MR. FREIDIN: I don't know whether I
14 would put it quite like that, but I think you have --

15 MR. CAMPBELL: The gist.

16 MR. FREIDIN: I think you understand --
17 all right, the gist of it. I would expect that that
18 wouldn't be perhaps the way the discussions would go.
19 But, yes, the -- I think I have indicated clearly the
20 position of the Ministry and the term or condition No.
21 20 which indicates in the last sentence that:

22 "...The rationale for the deviation must
23 be presented at the public information
24 centre."

25 Not only brings this to the attention of

1 the public but is bringing that potential or proposed
2 deviation from the guidelines to the attention of the
3 Ministry of the Environment early in the process with,
4 I would submit, time to discuss this particular --

5 THE CHAIRMAN: They may not necessarily
6 be on the planning team, per se, unless they choose to
7 be in on it; is that correct?

8 MR. FREIDIN: Q. Well, Mr. Kennedy
9 perhaps you can address that?

10 MR. KENNEDY: A. Yes. It would be
11 unusual I think to have a member of the Ministry of the
12 Environment on a planning team. Simply the structures
13 of the organizations are such that I don't think at the
14 current time the Ministry of the Environment have
15 sufficient staff to be present.

16 And I would suggest that the manner in
17 which we are looking after, if I can use that phrase,
18 the mandate of the Ministry of the Environment through
19 the use of the guidelines, that I would suggest in the
20 majority of situations their concerns would be
21 addressed by the planning team members and that is why
22 the fish habitat guidelines have been expanded, if I
23 could use that phrase, to account for water quality in
24 their development.

25 THE CHAIRMAN: You will admit there is a

1 dual role though played by the members of the planning
2 team belonging to MNR in the sense that, in addition to
3 water quality concerns, they are also interested in the
4 wood production side of things as well?

5 MR. KENNEDY: Yes, I would agree with
6 that. I would also point out though, Mr. Chairman,
7 that they are equally concerned with all other values
8 that are on the land base and give them due recognition
9 through the area of concern planning process.

10 Perhaps I should also indicate that the
11 review and approval process that is in place to examine
12 the draft timber management plan is the subject matter
13 of Document 3 which we will be discussing next, and I
14 think when you hear the entire story line of that
15 evidence you will see where Ministry of the Environment
16 fits in with what I would consider a special
17 opportunity to review proposed or planned operations
18 while they are in draft stage and an opportunity for
19 comment.

20 THE CHAIRMAN: I guess that's a concern
21 of the Board, that notwithstanding you have got a
22 suggested condition of approval that highlights
23 deviation from the guidelines, I guess we are concerned
24 as to how that comes to the practical attention of the
25 Ministry of the Environment should they wish to comment

1 on deviations?

2 MR. KENNEDY: And I think I can advise
3 you the following: That is also the concern of ours,
4 MNR's, in terms of ensuring there is a timely review of
5 the plan and that the plan is in a condition that is
6 ready for approval to allow operations to proceed at
7 the desired time and, although I can't speak on behalf
8 of Ministry of Environment, I would suggest that they
9 are also concerned in that particular effort that MNR
10 makes to ensure that their mandate is recognized in an
11 appropriate fashion.

12 And we have had several discussions with
13 them as to how best to incorporate that and at this
14 time we feel that this is an appropriate way to deal
15 with their concerns relative to the production of the
16 draft plan and ensuring that there is ample opportunity
17 for review and comment.

18 THE CHAIRMAN: I guess we can hear from
19 the Ministry of the Environment at some subsequent
20 stage who are on the receiving end of this information
21 as to how they propose to handle it.

22 MR. MARTEL: I just wanted to ask if
23 there was agreement, Mr. Kennedy, between you and
24 Ministry of the Environment or was there -- on this
25 particular point? Do you reach agreement, or...

1 MR. KENNEDY: I do believe that the
2 evidence has been given by Dr. Allin in particular
3 where he discussed the development of the Fish Habitat
4 Guidelines and the manner in which the MOE's water
5 quality mandate has been considered and used to broaden
6 the application of the guidelines which did result in
7 some changes.

8 I might add that would suggest that there
9 is an agreement on the manner in which MNR should
10 conduct their operations in the planning sense to
11 ensure that both fish habitat and water quality
12 concerns or values are addressed.

13 MR. FREIDIN: Q. Mr. Kennedy, just a
14 couple of questions. The Fish Habitat Guidelines, the
15 point has been made a number of times that they are in
16 fact guidelines. Hypothetically - well, maybe perhaps
17 not even hypothetically - is it possible that you could
18 deviate from the guideline in a specific situation but,
19 nonetheless, afford exactly the same level of
20 protection to the water quality as you would have if
21 you had followed the guideline strictly?

22 MR. KENNEDY: A. Yes, it's conceivable
23 that -- and desirable of course that you do that, that
24 you are able to conduct your operations in a manner
25 that - Mr. Chairman, you had indicated the words - most

1 acceptable fashion while looking after all aspects of
2 the environment.

3 But I should also point out that the
4 phrase Mr. Bisschop used of 'guidelines are guidelines'
5 and there can be situations where it may be desirable
6 to do something different. They are not a rule book,
7 they are not there to dictate to individuals what will
8 apply in all situations. The guidelines are there to
9 provide guidance, to be used with professional judgment
10 in recognition of local conditions, and the area of
11 concern planning process allows for the development of
12 specific prescriptions to address those local
13 conditions.

14 Part of a local condition may be beyond
15 the physical environment and may include such things as
16 the economic aspect, as Mr. Bisschop indicated in his
17 example, of a desire to harvest yellow birch veneer
18 logs within an area of concern. I would suggest there
19 would be very minimal harvest taking place in a
20 situation of that nature and it is quite feasible to
21 conduct an operation in a manner that the water quality
22 could be addressed in that very rare occasion that such
23 an operation would be proposed.

24 Q. And if in fact an operation which was
25 proposed in fact was a deviation from the guidance

1 provided in the guideline and those operations -- it
2 was anticipated that those operations might have some
3 impact on the aquatic environment, would that potential
4 impact have to be identified and discussed in the
5 supplementary documentation prepared in relation to
6 that particular area of concern?

7 A. Yes. I think Mr. Bisschop has
8 adequately identified the environmental analysis that
9 does occur in that situation where there would be a
10 recording of the potential effects that would be
11 theoretically possible on that particular situation and
12 the measures that would be taken to minimize, prevent
13 or mitigate those measures and arriving at the
14 conclusion, the most acceptable, and that rationale
15 would be included in the supplementary documentation
16 and would be available for review by any party, and the
17 preferred or most acceptable alternative would be
18 chosen and included in the timber management plan in
19 the summary form being in Table 4.12.

20 Q. And again, Mr. Bisschop, at page 148
21 of the Environmental Assessment it states that:

22 "There may be situations in which the
23 answer to the initial question may be
24 that timber management operations will
25 proceed even though complete protection

1 of the identified resource features, land
2 uses or values may not be ensured and, in
3 such situations, justification for
4 decisions to proceed with operations must
5 be produced and the question of how they
6 can proceed."

7 So if in fact you were going to proceed
8 and you anticipated that, notwithstanding your
9 modifications, that there might be some impact, you
10 would have to recognize that in your supplementary
11 documentation and justify why it was acceptable for you
12 to proceed in light of that information; is that
13 correct?

14 MR. BISSCHOP: A. Exactly.

15 Q. Thank you.

16 A. Mr. Chairman, and Mr. Martel in
17 particular, I should apologize. I was incorrect I
18 believe in that example I used in the sense that I've
19 looked at the fisheries guidelines and seen that -- and
20 I have seen that the provision for that kind of
21 selection cutting of yellow birch that I was talking
22 about is available as an option through the guidelines.

23 I think I left an erroneous impression
24 about the rule nature of the guidelines that I
25 shouldn't have.

1 Q. Okay, Mr. Bisschop, perhaps you could
2 just sit back and take a little bit of a rest and we
3 will get to you later.

4 A. Thank you.

5 Q. We will turn to you, Mr. Multamaki.
6 Am I correct, Mr. Multamaki, that Exhibit 814, Tab
7 No. -- pardon me, that Exhibit 814 contains excerpts
8 which in fact are the documentation related to five
9 areas of concern on the Red Lake Crown?

10 MR. MULTAMAKI: A. Yes, that's correct.
11 You are referring to Book 6 or Tab 6 of Exhibit 814 and
12 in fact you see that we have area of concern 1, 2, 14,
13 24 and 29.

14 Q. Before you describe those, could you
15 just indicate the reasons that you chose those
16 particular areas of concern to include in the excerpts?

17 A. Certainly. These areas of concern
18 were selected to present a range of situations that
19 occur within the field; for example, they demonstrate
20 relatively simple field situations to relatively
21 complex situations. For example, in area of concern
22 No. 1, demonstrates the area of concern process
23 resulting in the selection of normal operations where a
24 wildlife value has been identified, whereas area of
25 concern No. 2...

1 MR. MARTEL: What page are you on?

2 MR. MULTAMAKI: I'm speaking generally to
3 Book 6, Mr. Martel.

4 MR. MARTEL: Oh, just generally?

5 MR. MULTAMAKI: Yes.

6 MR. MARTEL: Okay.

7 MR. MULTAMAKI: The areas of concern that
8 are contained within Book 6 are on the covering page of
9 that tab that says Book 6.

10 MR. FREIDIN: Q. You will be dealing
11 with two of those in some detail, making just passing
12 comment on the others.

13 MR. MULTAMAKI: A. To continue, area of
14 concern No. 2 was selected because it resulted in the
15 prescription of a reserve for wildlife -- protection of
16 wildlife concerns.

17 Area of concern 14 was a combination
18 reserve and selection harvest based on a canoe route
19 and tourism values; area of concern 24 was a reserve
20 based on lake trout and tourism values; and area of
21 concern 29 - which incidentally we will be spending a
22 bit of time on - resulted in a combination of reserve
23 and selection harvest for high value tourism and warm
24 water fisheries.

25 And through these five areas of concern

1 that we have selected for Book 6, we hope that they
2 demonstrate that range of values, features and the area
3 of concern process that's applied in a field situation.

4 Q. Mr. Multamaki, can you describe to
5 the Board how you intend to demonstrate the application
6 of the area of concern process?

7 A. Yes. We are in Book 6, if you look
8 at page 1, and that's the actual page 1, not letters,
9 at the top it has a title: Areas of Concern, Location
10 Little Vermilion Lake, and there should be a dark
11 number 1 up in the right-hand corner.

12 Q. Okay.

13 A. Okay. In the -- under Location you
14 should have AOC No. 01, that's under management unit
15 840 in the right-hand column, so we are all looking at
16 the same paper.

17 Q. What do you call this particular
18 document?

19 A. This -- simply the area of concern
20 documentation sheet and in fact it was filled out for
21 all of the areas of concern that were identified on the
22 Red Lake Crown Management Unit as a result of the
23 five-year specific area of concern process.

24 Q. So the subject matters that are
25 identified by number are in fact common to all of the

1 areas of concern that you documented on the Red Lake
2 Crown?

3 A. That's correct. In fact, what it is
4 is it's a summary sheet that applies to all areas of
5 concern, it is presented in a format that is
6 standardized for the Red Lake Crown for each of those
7 areas of concern and it allows an individual to move
8 from an area of concern -- from the maps where the
9 areas of concern are shown, the key maps that I have
10 previously presented, to the documentation, these
11 summary sheets, in a numerical fashion, and once you
12 start working with maps and the documentation sheet
13 it's very quick and understandable.

14 Briefly, within the area of concern
15 description sheet you will notice that it has numbers
16 down the left-hand side, 1, 2, 3, 4, these are section
17 numbers.

18 Basically No. 1 gives the location of the
19 area of concern, the district -- or the location, the
20 district, the base map number, the block number, the
21 management unit, the area of concern number and the
22 planning period, 1986-1991. That information of course
23 is tied into, as I previously stated, the allocation
24 maps or the selection maps and these sheets are in fact
25 intended to be used in combination with those maps.

1 The second section is stand listings. It
2 simply gives the FRI information or the stand
3 information based on FRI stand types or stands.

4 Section 3 describes the purpose and gives
5 a description of the area of concern, including the
6 size in metres. For example, in No. 1, as I previously
7 stated, this is fur bearer habitat, it is 30 metres in
8 size and it's along the side -- it occurs along the
9 side of a stream.

10 No. 4, section 4 of this sheet contains
11 the resource values to be protected and really that
12 heading refers more to Part B of Section 4 rather than
13 A, B and C. In retrospect, were I to do this again, I
14 would probably separate those two: B from A, B and C,
15 and A, for example -- A, B, C simply tells you what's
16 available, what information sources are available and D
17 really gives you the values summary.

18 For example, in No. 1 site description
19 sheets were not available, that was the helicopter
20 survey. In fact for this area of concern what took
21 place was I personally had walked the area of concern,
22 flew in, in fact while I did the video record that was
23 available in B, had done a field inspection on it. So
24 there wasn't a sheet filled out.

25 Part C, map attached. I think you will

1 find that in all cases there is in fact a copy of the
2 map at a scale of 1:15,840, so it's a pretty standard
3 circle on the yes.

4 Q. So the map -- in fact in this case
5 there is a map attached which deals with this matter.
6 Would the value in this particular case also be
7 observable on the base map which is referred to under
8 item No. 1?

9 A. Yes, that's correct. If you were to
10 go to the base map, what we call the allocation maps
11 and we've previously submitted one as an exhibit, you
12 would find that in fact the map that's attached to
13 these sheets or follows these documentation sheets is a
14 photocopy of the section which contains that area of
15 concern from that base map.

16 Q. Okay.

17 A. Under Part D, the values summary,
18 basically it's just a listing of what values are to be
19 found in there. In this case it's fur bearer habitat
20 and fisheries general. By general the stream was
21 identified as a warm -- or a stream leading into a warm
22 water lake, it had warm water general fisheries values,
23 nothing specific.

24 On page 2 of this description sheet you
25 will notice that there is a Section 5 which identifies

1 the alternative prescriptions or describes the
2 alternative prescriptions identified. This has been
3 broken down into selection cut, clearcut and no cut.
4 We basically looked at this area of concern and looked
5 at whether or not in fact the area of concern could be
6 selectively harvested and, in fact, if you notice under
7 that, it was relatively uniform in diameter, it was
8 difficult to implement.

9 Also, this area of concern is relatively
10 small. If you look at the size in Part 2, under Stand
11 Listing, the area of concern in fact is only two
12 hectares in size. Operationally it would be very
13 difficult to implement a selection harvest or a
14 selection cut in there.

15 We looked at clearcut, which in fact was
16 the preferred option, and the two hectares of the total
17 stand area of nine hectares, it was felt that there
18 would be very little impact on the fur bearers and
19 siltation would be minimal.

20 The final alternative examined was
21 no-cut, a reserve, and it was decided that as the
22 impacts would be minimal that we would in fact go with
23 clearcut not a no-cut or a reserve.

24 Part 6 gives the environmental analysis
25 of each alternative prescription, again it refers back

1 to Part 5, selection cut, clearcut and no-cut, and has
2 a few more comments. Incidentally, this area as shown
3 in the video record and the field inspection I did is
4 relatively level, in fact it's almost completely flat.
5 It's heavier soils and topography played very little,
6 if any, role in the decision that occurred here.

7 On page 3 of this documentation sheet
8 we -- there's Part 7, the proposed prescription. In
9 fact that's where we propose a prescription. This was
10 in fact provided at the information centre up until
11 this point. All of this information on these sheets
12 was contained in binder format at the information
13 centre and the public was encouraged to go through them
14 if they so desired and look at what the values, what
15 the analysis was and what we proposed to do within each
16 of these areas of concern.

17 Part 8 was not completed prior to the
18 information centre, in fact it went through the 30-day
19 public review and Part 8 was filled out after the
20 information centre to encompass any of the concerns
21 that were raised by interest groups, the general public
22 and so on. Also within Part 8, we listed any
23 information sources, reference material,
24 correspondence, explanatory notes and so on that may
25 have influenced decisions made within these areas of

1 concern or the area of concern documentation process.

2 In most cases this simply referenced
3 things like letters that are -- that were contained in
4 Book 5 of the plan.

5 MR. FREIDIN: And, Mrs. Koven, this is
6 where, in relation to area of concern 29 that we will
7 deal with in some detail, that we will be dealing with
8 and demonstrating how public comment was dealt with and
9 how that tourism concern that is identified on the map
10 in relation to Little Vermilion Lake was addressed.

11 MR. MULTAMAKI: The intent of Part 8 of
12 these documentation sheets was that any individual, any
13 interested individual could flip through and
14 immediately realize that there were concerns raised
15 with that specific area of concern.

16 It would also key them to where to find
17 the documentation on that area of concern and, in fact,
18 if somebody other than themselves had a concern with
19 what was taking place in that area of concern or had
20 input into the decisions that occurred within that area
21 of concern.

22 MR. FREIDIN: Q. While we are just
23 talking on that matter, Mr. Multamaki, would you turn
24 to page 117 of Book No. 6, please?

25 MR. MULTAMAKI: A. Yes.

1 Q. I understand we are going to deal
2 with this one later in more detail, Mr. Multamaki, but
3 is this an example under No. 8 where the public
4 comments are summarized and in fact there is reference,
5 in this particular case by way of a comment in the last
6 sentence, directing people for further discussion they
7 should go to the supplementary documentation binder?

8 A. That's correct. It basically tells
9 you that there were some other concerns raised and that
10 a full description is contained in the supplementary
11 documentation describing what those concerns were.

12 Q. Right. And we will deal with that
13 later?

14 A. Yes, that's correct.

15 Q. Okay.

16 A. We will be dealing with that specific
17 area of concern later.

18 Another key point here from an
19 operational standpoint is that these area of concern
20 sheets were used at the -- I guess on the unit or
21 intended to be used on the unit for a quick reference
22 by the unit forester, the operational staff and so on,
23 to check to see in fact what sort of concerns they
24 would be facing when laying out licences and so on.

25 So I had intended that, you know, I would

1 use it for myself, for instance, to check to see
2 exactly what the concerns had been on an area of
3 concern that may have been negotiated three, four, five
4 years previously, and it gives you I guess a record -
5 or I guess we'd use the term traceability - it gives a
6 trace of why that decision was made, what input
7 occurred and what obligations we had made during
8 this -- the planning process.

9 In Part 9 on page 3, the final
10 prescription and justification section simply gives you
11 a statement of what the final prescription being placed
12 in the plan is and what the justification for that
13 prescription is. In fact, in this case, being a
14 relatively simple area of concern, it involves one
15 paragraph and explains what we intend on doing and why
16 we intend on doing it.

17 Q. Now, Mr. Kennedy indicated that the
18 decision that's made and recorded in the supplementary
19 documentation in relation to an area of concern gets
20 documented in the text of the plan in the form of Table
21 412 or 4.12.

22 Could you turn to page 72 of Book No. 1,
23 Exhibit 814, and advise whether the decision is
24 recorded as indicated by Mr. Kennedy?

25 A. Yes, that was going to be my next

1 step, Mr. Freidin. If you look on page 72, in fact
2 what you see is Table 4.12, the first page --

3 Q. One minute, Mr. Kennedy.

4 MR. FREIDIN: Book number -- the same
5 book that you were looking at but Tab 1, Mr. Chairman.

6 MR. MARTEL: Is that Table 4.12.1 or just
7 4.12?

8 MR. FREIDIN: I explained this before.
9 This particular -- well, Mr. Multamaki is here, perhaps
10 you can just confirm -- well, you tell them, Mr.
11 Multamaki, and see whether I was right.

12 Q. What's the .1, .2, .3 as we go
13 through Table 4.12?

14 MR. MULTAMAKI: A. It's simply an
15 indication that there are more than one page to this
16 table. In fact, there is a fair number of pages to
17 encompass the 29 areas of concern.

18 MR. FREIDIN: I was right, at least on
19 that one, Mr. Multamaki. Thank you.

20 MR. MULTAMAKI: And in fact that's where
21 you do see it recorded, area of concern No. 1 is
22 recorded on page 72, Table 4.12 - in this case .1 or
23 page 1 of that table - and it's the first area of
24 concern.

25 Under the very first column with numbers

1 you see area of concern No. 1, the name, location and
2 description, Little Vermilion Lake tied to base map
3 513934 in allocation block No. 3, it is 30 metres and
4 two hectares in size, and in fact that description can
5 very easily be cross-referenced with the allocation
6 maps.

7 So if an individual were interested in an
8 area, a specific area on the map they could quite
9 easily find this area of concern within Table 4.12.
10 You will -- under stand number, it involves stand No.
11 207, that's the second -- or third column to the right.
12 It simply gives you an FRI location of the area of
13 concern.

14 Under Prescription you have harvest,
15 renewal and maintenance or tending and you notice that
16 it's -- under Harvest it says normal operations,
17 renewal is lead for natural. Incidentally, this lead
18 for natural is the result of it being uniform black
19 spruce, mature black spruce, very small in size, two
20 hectares, and the fact that it will seed in -- we
21 expect to it to seed in naturally and recover and we
22 talked about black spruce regeneration through natural
23 seeding. This is an instance where we expect that to
24 occur within an area of concern after normal harvest
25 operations.

1 Maintenance, we don't expect that it will
2 be required. And as to access, the access plan for
3 that is that Road No. 1 and stream crossing Red Lake
4 No. 1, as described in supplementary documentation,
5 secondary road closed to public travel. In fact, this
6 is a closed road and will not be open to public travel
7 because it occurs within that Little Vermilion Lake
8 area that we discussed during previous sections of this
9 panel.

10 MR. FREIDIN: Q. And when we deal
11 with -- when Road No. 1 would have been planned there
12 would be documentation in relation to the road planning
13 and any concerns regarding this particular value you
14 would find that in Book 7?

15 MR. MULTAMAKI: A. That's correct. In
16 fact the road access documentation is contained in the
17 supplementary documentation or Book 7.

18 Q. If I just might while we are on that
19 page, I notice in the second area of concern under the
20 prescription for renewal you have N/A. What does that
21 mean?

22 A. Not applicable.

23 Q. And in that particular case why
24 wasn't it applicable?

25 A. Because the area had been reserved

1 and in fact no operations would take place. Just as a
2 point with respect to understandability, the areas of
3 concern and the block numbers, the way they were laid
4 out in this plan was that they occurred adjacent to
5 each other and moved from north to south in a
6 geographic sense on the maps, so you --

7 Q. Mr. Multamaki. Sorry, you were
8 describing the base map numbers.

9 A. The numbering system that was used,
10 for instance, was more of a geographic or organized in
11 a geographic fashion, in fact, they occurred from north
12 to south.

13 For example, you would expect to find
14 area of concern No. 1 in the extreme north part of the
15 unit and area of concern, you know, No. 29. In this
16 case 29 occurred in the Little Vermilion Lake because
17 of the negotiations, but area of concern 28 in the
18 south. The same thing with block numbers.

19 Q. Mr. Kennedy, area of concern No. 1,
20 there is an indication as to where the value would be,
21 and Mr. Multamaki indicated that we would find it on
22 the base map and we would also find it on the map which
23 was attached to the area of concern documentation
24 sheet.

25 With the proposed use of values map,

1 would the location of that particular value be
2 identified on that as well?

3 MR. KENNEDY: A. Yes, it would. It
4 would be shown on the values map and there would be a
5 legend there that would indicate the kind of value that
6 was being identified. In this case the --

7 Q. Thank you. Have you identified all
8 of the places in the plan where you will find
9 documentation regarding AOC planning, Mr. Multamaki?
10 Have we missed any?

11 MR. MULTAMAKI: A. Yes. In fact there
12 are additional areas where you will find information on
13 area of concern planning. We've already discussed
14 Table 4.12 and the maps and the area of concern
15 package. Those are the three key areas.

16 However, this information can also be
17 obtained from the stand listings, which are in Appendix
18 B of Book 1. For example, there is a separate stand
19 listing containing timber management information with
20 respect to areas of concern and in fact there are --
21 there is information on the 1:50,000 scale allocation
22 maps with respect to location of these areas of
23 concern.

24 In fact, what it means is they are
25 identified by an orange line within the harvest areas

1 or the harvest areas on the 1:50,000 scale key maps.

2 Q. Now, you indicated that there were a
3 number of areas or values, therefore areas of concern,
4 which were identified in Book No. 6. Could you perhaps
5 briefly go through the remaining areas of concern and
6 get us to No. 29 where we are going to spend a little
7 bit of time?

8 A. I briefly discussed the five areas of
9 concern at the beginning of this talk and I have gone
10 into some detail on area of concern No. 1 to give the
11 Board an understanding of the recording format. No. 1,
12 incidentally, was a very simple situation or relatively
13 simple situation.

14 I think the easiest way to handle this is
15 to take an example that is slightly more complex in the
16 form of area of concern No. 14 that occurs in Book 6 --
17 or the documentation sheets are in Book 6, page 54.

18 Again, the format -- again the
19 documentation is in the same format as area of concern
20 No. 1. So what we will do is skip down to the No. 3 --
21 section No. 3 on page 54, the purpose description of
22 the area of concern including size, and you notice that
23 in stands 598 and 600 there is a high use tourism; in
24 stands 598 and 606 and 115 it's identified as a canoe
25 route as well.

1 This is summarized in Part 4 under
2 Section D -- or component D: Values Summary: Parker
3 Lake provides recreational walleye fishery. Current
4 level of use is unqualified and there is a canoe route
5 through Parker Lake. Parker Lake also currently
6 supports one lodge. This lodge incidentally is
7 inactive and has been for a great number of years. I
8 arrived in the Red Lake District in 1980 and it was
9 inactive at that point in time and has not since been
10 active but, however, the lodge is there.

11 Within this area of concern, if you turn
12 to page 55, we looked at a number of alternatives to
13 address the complex -- or relatively complex situations
14 with respect to values and we looked at a complete
15 no-cut. It was recognized that there was -- the
16 topography was relatively level and it was determined
17 that a reserve, a complete reserve was not required,
18 particularly as high value saw log quality material was
19 involved. That is briefly discussed in Section 5 on
20 page 55 of Book 6. In fact, as you go down that
21 Section 5 we looked at clearcut as well.

22 MR. MARTIN: Could I ask a question, Mr.
23 Multamaki. I am confused, because it says:

24 "Given relatively level topography an
25 entire no-cut reserve is not required..."

1 And I have difficulty with this:

2 "Particularly as high value wood is
3 involved."

4 How do you make that jump? It's not
5 required because high value wood is involved.

6 MR. MULTAMAKI: You mean how do we make
7 that jump with respect to --

8 MR. MARTEL: Yes, with respect to the
9 fact that it's flat and there is valuable saw logs, how
10 do you connect the two in that fashion?

11 I mean, do you take into consideration,
12 for example, how close to the water and so on, or do
13 you just look at the -- it seems that you are only
14 looking at the timber, and I might be wrong, that is
15 why I am asking for clarification.

16 MR. MULTAMAKI: No. Mr. Martel what has
17 taken place there is that we have in fact inspected the
18 site, the stand, it was determined -- or the
19 observations were that there was a certain amount of
20 high quality saw log material in there. At the same
21 time we also collected information on topography, it
22 was determined that it was relatively level and that in
23 fact when you compare that to visual requirements,
24 obviously the more level the topography is the less
25 likelihood that you are going to see timber operations

1 as a result of that level topography, and I guess there
2 is a certain amount of inference here in the
3 observations that are made under that.

4 MR. FREIDIN: Q. If we can just go --
5 let's go to page -- I am sorry, go ahead.

6 MR. MULTAMAKI: A. I was just going to
7 say that I think this will be clarified when we get to
8 point 9 where the final prescription and justification
9 are discussed, because those observations are at that
10 point in time described and I guess the justification
11 is provided based on those observations.

12 Q. Can we jump to 9 right now, just so
13 we can address Mr. Martel's question?

14 A. Sure. Page 56 contains the final
15 description and justification under point 9 and in fact
16 what takes place here is that:

17 "A combination cut by stand will be
18 implemented. This will be a combination
19 of either no-cut or clearcut as listed in
20 section seven (7) above. Given the high
21 profile of this canoe route, the
22 shoreline integrity must be maintained,
23 the area being clearcut in the second 60
24 metres are in areas with minimal slope
25 and high saw log volume. This provides

1 both protection for the canoe route and a
2 significant amount of high quality saw
3 log material for the local saw mills."
4 In fact what we have got is we have --
5 under Section 7 on the same page the proposed
6 prescription is to -- stand No. 598 is 0-120 metre area
7 of concern, is a no-cut, in fact we don't do any
8 operations in there; stand 599 0-60 metres is no-cut
9 with the second 60 metres; i.e., 60-120 metres being
10 modified harvest cut in a patch fashion; and in stand
11 606 there is a 0-60 metre no-cut but the second 60
12 metres being selection cut for saw log material.

13 So in fact what we have got is what Mr.
14 Bisschop has referred to earlier, is a relatively
15 complex situation with an area of concern that contains
16 three distinct prescriptions; no-cut, no-cut with
17 modified harvest in the backshore area, and no-cut with
18 selection cut in the back 60 metres.

19 Q. And would it be fair to say, Mr.
20 Multamaki, if you go back to page 55, that when you
21 made the comment that Mr. Martel drew your attention to
22 when you said, given the topography you don't believe
23 no-cut is required, particularly as high value saw logs
24 is involved, that comment was reference to a situation
25 where the alternative being considered at that time was

1 a no-cut along the entire shoreline for every one of
2 those stands?

3 A. That's correct.

4 Q. And the decision you came to was that
5 it wasn't necessary to have no-cut everywhere, that you
6 in fact could have no-cut -- you would have no-cut in
7 some places as you described, but you could also in
8 part of that area of concern have operations and still
9 protect the value?

10 A. That's correct. In fact, what the
11 judgment on this or the final decision was is the
12 combination of prescriptions as Mr. Bisschop has
13 discussed previously.

14 Q. So, we had jumped a little bit and I
15 can't recall exactly where you were in your
16 explanation. Maybe you do, Mr. Multamaki.

17 A. Really I was at the point of
18 discussing the fact that this -- there was going to be
19 a combination, or we looked at the alternative of
20 no-cut, selection cut and modified cut, however, by
21 jumping ahead to No. 9 I think we have pretty well
22 hammered all the points.

23 Just in closing on this area of concern
24 point 6 on page 55 gives an environmental analysis of
25 each alternative prescription and in fact it builds on

1 point 5 in that it looks at the alternatives examined
2 and it gives a brief environmental analysis on them.

3 Q. And No. 5 is in fact the analysis
4 regarding the actual prescription which was selected?

5 A. No. 5 identifies the alternatives
6 that we examined.

7 Q. Now, could you just turn over to page
8 57, that is the 1:15,840 map which is attached or was
9 attached then to the area of concern description sheet.

10 A. That's correct. In fact what you see
11 in dark black is the area of concern identified as 120
12 metres, base map 511941, area of concern No. 14, and in
13 fact it's basically almost a photocopy of, if I can use
14 that term loosely, of the 1:15,840 scale allocation
15 maps. It doesn't contain all of the information as
16 shown on those allocation maps, but it contains the
17 reserve information -- sorry, the area of concern
18 information.

19 Q. Mr. Multamaki, in your experience,
20 when people come to information centres or people you
21 talk to in the district how they have a particular
22 value that they have concern about, do you find that --
23 can you comment as to their ability to look at a map
24 and pinpoint for you where that value is?

25 A. Yes. It has been my experience,

1 particularly in Red Lake District, that people spend a
2 great deal of time out there in the field or in the
3 bush and commonly have a very good understanding of
4 specific areas.

5. For example, they will walk into an
6 information centre, point to a specific point on a map
7 and ask me questions: What are you going to do here,
8 what are you planning on doing there, when are you
9 planning on doing it, how are you planning on doing it.

10 And commonly with respect to this -- the
11 area of concern process they will go to the allocation
12 maps or the proposals that are presented at the
13 information centre and immediately get a grasp of what
14 is taking place in their -- around their specific area
15 of interest.

16 Q. Now, if somebody walks into the
17 information centre, is familiar with maps like that,
18 they can go to those -- a map and if there was no area
19 of concern shown on that map, do I understand you to
20 say that they would be able to point out where it was
21 on that map that they had a value that they had a
22 concern about?

23 A. Commonly they can. It has been my
24 experience that there is two or three things that
25 occur. The first thing is that they walk into the

1 information centre, they point to a specific area on a
2 map and want to know about it. They generally have
3 some idea of -- or a very good idea of what the value
4 is in that area that they are talking about and, more
5 often than not, before they leave the information
6 centre they want a copy of the map so they can go
7 hunting and fishing or use it for personal purposes or
8 whatever.

9 Q. Now, if that particular value had
10 been identified before they walked into the information
11 centre either by them telling you about it or through
12 the Ministry knowing about it, when they walked into
13 that information centre would they see that value on
14 the map?

15 A. Yes. Commonly what they are talking
16 about, they are pointing to a value that we have
17 identified or that we know about. In this case we did
18 not have a values map, we had a databank with that
19 information, so it was more a case of us saying: Yes,
20 we are aware of that value. For example, we had some
21 limited values information on the maps that we used in
22 the Red Lake Crown plan in the way of lodges, eagles'
23 nests, ospreys' nests and so on.

24 Q. And those are the ones which were
25 identified on the allocation maps that we reviewed

1 earlier I think yesterday?

2 A. That's correct. And should this plan
3 have been written under today's values mapping
4 situation, the occurrence I can see happening is that
5 the individual would walk in, look at the values map,
6 check to see in fact that their value has been
7 recognized or identified, and then move on to the
8 proposed operations map or the selection map.

9 Q. And, Mr. Kennedy, under the proposed
10 process when a value is identified on the values map
11 and people go up to the values map and they say: Yes,
12 there is my value, is the information or that value -
13 if it is going to be possibly affected by the
14 operations planned for the five years - will that value
15 or the location of that value be transposed and also
16 shown on your allocation maps?

17 MR. KENNEDY: A. Yes, it would be. I
18 would also point out that the second map that most
19 people look at as they are entering into an information
20 centre would be this overall view of the areas that
21 have been accepted for operations.

22 I indicated this morning at the outset
23 the 1:250,000 scale map would be at a scale that allows
24 for ease of viewing of their values that they have
25 interest in and to an overview of the entire district

1 to see where operations are planned and allows them to
2 determine in a very easily form if operations are
3 proposed in the area where their values exist or where
4 their areas of interests are.

5 And from that point, because the
6 information centres are staffed with individuals that
7 were involved in the plan preparation, they are most
8 often then directed to the detailed maps at a scale of
9 1:15,840 as Mr. Multamaki's included in his plan here,
10 and it's at that maps that most of the discussions
11 occur. It's also common to have aerial photographs
12 available at information centres and I find -- my
13 experience has been that most often individuals are
14 quite intrigued with aerial photography and very
15 interested in pointing out other features in the area.

16 And it is through this process that we
17 are able to continue to add to our information that we
18 have and is why we pointed out during the indication --
19 sorry, during earlier evidence about the assembly/
20 analysis of background information that it is an
21 ongoing process. We continually are looking for that
22 confirmation and additional new information as brought
23 forward by members of the public.

24 And I should indicate that before we
25 leave Document 3 we will be discussing the details of

1 how information centres are conducted, the kind of
2 information that is presented, and how we handle the
3 comments that we do receive from the public.

4 Q. That is before we leave Document 2?

5 A. I beg your pardon, before we leave
6 Document 2.

7 MR. MULTAMAKI: A. I would just like to
8 comment on that as well in that I'm thinking in terms
9 of the Red Lake situation and we -- when we held the
10 information centre we had 68 people I think or
11 individuals show up for the information centre and I
12 don't remember one of them, myself, not having
13 discussions prior to the information centre with. In
14 fact, we had gone over some of the draft maps, we had
15 discussed them and so on.

16 So when I talk in terms of, you know,
17 people walking into the information centre, in most
18 cases we had already discussed a number of these
19 values, the area of concern process and so on with
20 them. It was quite common for them, a number of these
21 individuals to drop into the office for a cup of coffee
22 and I guess lay the world's burdens on my shoulders or
23 the planning team's shoulders and discuss everything
24 that was taking place within their general areas of
25 concern. So it wasn't like we saw new faces in a lot

1 of cases there.

2 Q. Okay. Now, have you -- I think we
3 have completed your discussion I think of area of
4 concern 14, Mr. Multamaki?

5 A. Yes. I think at this point what we
6 should do is move on to area of concern No. 29.

7 THE CHAIRMAN: Well, Mr. Freidin, if you
8 are going to go on to one that you are going to spend
9 some time on, I think we will break for lunch.

10 MR. FREIDIN: Okay.

11 THE CHAIRMAN: Ladies and gentlemen, we
12 will adjourn until 1:30. Thank you.

13 ---Luncheon recess taken at 12:05 p.m.

14 ---On resuming at 1:30 p.m.

15 THE CHAIRMAN: Thank you. Be seated,
16 please.

17 If the Board had known that there was
18 going to be an avalanche of people here today we
19 probably would have dressed differently.

20 Welcome to the proceedings. I don't know
21 how many of you have been here before, but you will
22 probably find it of some interest this afternoon to
23 follow along.

24 MR. FREIDIN: We probably wouldn't have
25 broken for lunch, Mr. Chairman.

1 THE CHAIRMAN: Just out of curiosity, are
2 all the people of one particular group as opposed to --

3 MR. FREIDIN: It's people who are taking
4 the forest certificate course put on my MNR.

5 THE CHAIRMAN: Well, welcome to the
6 hearing.

7 Mr. Freidin?

8 MR. FREIDIN: Okay.

9 Q. Just before we go on to area of
10 concern 29, Mr. Multamaki, could you please turn to
11 page 76 of Book No. 1, that is in Exhibit 814.

12 MR. FREIDIN: Page 76, it's the fifth
13 page of Table 4.12. Do you have that, Mrs. Koven?

14 MRS. KOVEN: Yes.

15 MR. FREIDIN: Q. And do we find the
16 prescription recording the decision made in relation to
17 area of concern 14 dealing with Parker Lake?

18 MR. MULTAMAKI: A. Yes. On page 76 the
19 summary information on area of concern 14 is recorded.
20 Prior to lunch we went over briefly that table.

21 THE CHAIRMAN: Is your microphone on, Mr.
22 Bisschop?

23 MR. MULTAMAKI: It should be.

24 THE CHAIRMAN: I'm sorry, Mr. Multamaki I
25 guess.

1 MR. MULTAMAKI: Yes. Area 14 or area of
2 concern 14 is documented in summary form on page 76 as
3 Table 4.12.5. The key points here are that under the
4 prescription for harvest, renewal and maintenance, you
5 will notice the combination under the harvest pattern.

6 For example, stands 598 and 600 show a
7 120-metre reserve, stand 599 shows 0-60 metre reserve,
8 61-120 metre - that should be modified harvest cut, in
9 fact it was missed in the errata - and stand 606 to 115
10 shows 0-60 metre reserve, and then 61-120 metre
11 selection cut.

12 MR. FREIDIN: Okay. Now, Mr. Chairman,
13 before we go into area of concern 29, I am not too sure
14 how long it will take us to deal with it, I don't think
15 it will be an undue length of time, but based on the
16 comments made at the scoping session, the parties and
17 the Board were interested in seeing how public input is
18 dealt with and seeing how that input is addressed and
19 how that input is documented, we felt that it would be
20 advisable to in fact pick one area of concern and sort
21 of go through that whole spectrum.

22 So we have chosen area of concern 29
23 because we think it demonstrates that, we have also
24 chosen it because it also will be the subject matter --
25 or is related to the example that we are going to deal

1 with in relation to roads.

2 Q. So, if I might, Mr. Multamaki, ask
3 you to describe to the Board the situations on Little
4 Vermilion Lake and in the vicinity of Little Vermilion
5 Lake which gave rise to the area of concern planning
6 process and take us through exactly what happened in
7 relation to the concerns which were raised?

8 MR. MULTAMAKI: A. Okay. The easiest
9 way of dealing with this is to go through a bit of a
10 map presentation. We will use three or four maps at
11 1:50,000 scale and 1:15,840 and give a bit of the
12 background on the situation in the Little Vermilion
13 Lake area.

14 Q. All right. So we are going to need
15 three stands up here?

16 A. Three stands. Thanks.

17 Given the level of detail here, it may be
18 best if the Board clusters around the maps and comes
19 down on the floor.

20 MR. FREIDIN: We will draw a preliminary
21 area of concern around that, Mr. Chairman.

22 MR. MULTAMAKI: The first two maps here
23 starting on my right deal with Exhibit No. 834 and 840
24 we have seen previously in this evidence. The map on
25 my left hasn't been entered yet and has not been shown

1 to the Board.

2 MR. FREIDIN: Why don't we mark that as
3 an exhibit right now.

4 THE CHAIRMAN: Exhibit 845.

5 MR. FREIDIN: What do you want to
6 describe that as, Mr. Multamaki?

7 MR. MULTAMAKI: Allocation Map, Base map
8 512934.

9 MR. FREIDIN: Is that Exhibit 875, Mr.
10 Chairman?

11 THE CHAIRMAN: 845. We will get there,
12 Mr. Freidin. We're getting close to a thousand.

13 MR. FREIDIN: I am sure we will. And
14 that map is a...

15 THE CHAIRMAN: What is that number?

16 MR. MULTAMAKI: Base map 512934.

17 MRS. KOVEN: Where is that?

18 MR. MULTAMAKI: (indicating)

19 ---EXHIBIT NO. 845: Allocation Map, Base map 512934.

20 MR. FREIDIN: Q. And that number is
21 denoted in the bottom right-hand corner and that would
22 have been the same for all of the base maps that you
23 have identified, Mr. Multamaki?

24 MR. MULTAMAKI: A. Yes. The only
25 difference is the number would change. It's probably

1 the same location on each base map.

2 In starting, we have seen the eligibility
3 map for Part A of the Red Lake Crown, Exhibit 834.

4 Just to recap some of the important items on that map,
5 Red Lake -- the Town of Red Lake itself is situated on
6 the south side at that point right there (indicating).

7 Red Lake itself or Red Lake proper is the
8 white area that you see extending across most of that
9 FRI composite map. Little Vermilion Lake is
10 immediately north, about 15 to 20 miles from Red
11 Lake -- the Town of Red Lake and is located as that
12 white open area here. (indicating)

13 What we are dealing with in the way of
14 area of concern planning on Red Lake is the operations
15 that are going -- were planned or proposed for the area
16 around Little Vermilion Lake itself. Little Vermilion
17 Lake has a relatively long history of logging
18 operations by horse and water transport and booms to
19 the saw mill in Red Lake, in fact it has been licensed
20 for a great number of years to what was originally Red
21 Lake Lumber and Anoma Sawmill in Red Lake and is now
22 Skookum Bay Logging. So it's been under timber licence
23 for a great number of years, in the neighbourhood of 20
24 or 30 years or more, so it does have a history of
25 logging along the shoreline.

1 In addition to that, it has two tourist
2 operations, and here I am going to switch to Exhibit
3 840, the central map. You have a main base lodge which
4 is shown in black right here, that is Sportsman Lodge.
5 It is a main base lodge and down at the bottom in this
6 area there are two outpost camps that are situated a
7 few hundred feet apart owned by Howie Bay Camps.

8 Q. You indicated an area in the
9 southwest corner of the lake?

10 A. Yes, that's correct, it's down on the
11 southwest corner of Little Vermilion Lake, and in fact
12 within fairly close proximity to these allocations or
13 stands that have been selected for operations in this
14 area.

15 In addition, I should point out that this
16 black line here is the Pine Ridge Road. It's in place
17 and actually being used for forest operations at this
18 time. It's a primary access road, all-weather, and it
19 was in fact constructed by the Province of Ontario
20 during the 1980s.

21 Q. Are those tourism lodges ones which
22 deal in providing remoteness -- remote experiences or
23 are they another type of lodge?

24 A. Yes, these are all fly-in lodges.
25 The main base lodge is a fly-in lodge, no road access

1 and the two outpost camps on the south side of Little
2 Vermilion Lake are also fly-in. I guess the direct
3 route is that they fly in from from Red Lake down here,
4 directly north and into Little Vermilion Lake. It's
5 approximately a 15 or 20-minute flight by small
6 aircraft.

7 Also I should point out that there are a
8 number of eagles' nests on the Little Vermilion Lake
9 system. You'll notice there is one there, there is one
10 there, there is one there, they are scattered
11 throughout the lake itself, down at the mouth of the
12 Chukuni River where it flows out of Little Vermilion
13 Lake and into Red Lake and then one halfway down.
14 (indicating)

15 Q. And they are shown by a yellow
16 triangle?

17 A. That's correct. The yellow triangle
18 denotes eagles' nests on this map.

19 Just as a closing comment on Exhibit 840,
20 that blue dotted line on the northwest corner is in
21 fact the Valhalla Road that we previously discussed and
22 in fact it was identified by the tourist operators as a
23 viable option during the planning process, that's the
24 tourist operators on Little Vermilion Lake.

25 Moving on to Exhibit 845, this is the

1 large scale base map for 512934 and in fact what you
2 see here is the area from Exhibit 840, this square
3 right here, and in fact it's the south shore of Little
4 Vermilion Lake or the south half of Little Vermilion
5 Lake. (indicating) .

6 Q. We have the Pine Ridge Road then
7 running through that allocation?

8 A. That's correct. The black line that
9 you saw on Exhibit 840 here is in fact this open blue
10 line that runs along here. (indicating)

11 The distance from the south shore --
12 incidentally, the scale on this map is four inches --
13 or very close to four inches to the mile. It is
14 slightly larger than that, it is actually one and a
15 quarter inch to the mile, so if you -- sorry, one and a
16 quarter inch to a quarter mile.

17 So if you look at that it's within a mile
18 and a half of Little Vermilion Lake, the primary access
19 road. The point I'm getting at here is that being a
20 fly-in lake, access is of concern to the local tourist
21 operators on that lake system.

22 Q. Was that a concern that was raised by
23 the tourist operator in this particular case?

24 A. Access has always been a concern
25 raised by the tourist operators on Little Vermilion

1 Lake. In fact, that's one of their primary concerns,
2 is that they sell a wilderness experience and it has
3 been pointed out to the Ministry on a number of
4 occasions over a great period of time that should road
5 access be established to Little Vermilion Lake it would
6 impact on their operation.

7 THE CHAIRMAN: As far as the primary road
8 is concerned, you fought that battle at an earlier
9 stage, the road is in?

10 MR. MULTAMAKI: That battle was fought at
11 an earlier stage, yes. Not that I would have put it
12 that way, but, yes, that's correct.

13 MR. FREIDIN: Q. Mr. Multamaki, could
14 you just show where the southern extreme or the most
15 southerly boundary of Little Vermilion Lake is in
16 relation to the proposed operations?

17 MR. MULTAMAKI: A. Yes, I can show the
18 south shore here. In fact what you are seeing here is
19 that this right here is the Chukuni River which is a
20 relatively large river, the south shore of the lake
21 runs down--

22 Q. Slow down, slow down. Okay.

23 A. --and along here. (indicating) In
24 fact these allocations here and here are up to the
25 shoreline, the south shore of Little Vermilion Lake.

1 (indicating)

2 Q. All right. So in this area that I am
3 indicating here between where you've got AOC 29 marked
4 in fact is the lake?

5 A. That's correct. The bay that you are
6 pointing to is in fact part of Little Vermilion Lake.

7 Q. And this channel here that goes
8 northerly and then you get into a larger area of the
9 lake; is that correct?

10 A. That's right. What you are talking
11 about is a number of fingers or bays in Little
12 Vermilion Lake, and in fact there is also a bay that
13 runs directly west around this allocation here.

14 (indicating)

15 Q. Now, I noted when I went up to the
16 map you have got AOC No. 29 written in a number of
17 places on Exhibit 845. Can you just explain those
18 particular markings?

19 A. Yes. We briefly covered the bar
20 graphs, I think is the term that we used. In this
21 case, the orange bar graphs that you see here show --
22 give a description of the operations that are planned
23 within those areas of concern, in this case area of
24 concern No. 29.

25 It also gives the distance; for example,

1 the first line would state area of concern No. 29, the
2 second line gives the distance; for example, on the
3 bottom graph here it shows 0-120 metres and then the
4 bar graph itself. The open white square means that
5 there are no harvesting operations, there are no site
6 preparations, just in that site preparation operations,
7 there's no regeneration activities planned and no
8 tending operations.

9 However, when you get to the 121-240
10 metre distance at NSHC - stands for negotiated
11 selective harvest cut - which means we will go in and
12 selectively harvest by product the saw log material and
13 it was a negotiated issue with the tourist operations
14 on a stand-by-stand basis. There will no site
15 preparation, no regeneration activities and no
16 maintenance afterwards.

17 Incidentally, these bar graphs as you see
18 here or bar charts relate to the legend down here and
19 for the sake of a relatively simple understanding they
20 are in fact the same for normal operations, areas of
21 concern and renewal and maintenance. Black for normal
22 operations which is the harvest, orange for areas of
23 concern and green for renewal and maintenance.

24 It simply allows individuals,
25 particularly the public, to look at and determine quite

1 quickly by colour, if nothing else, what in fact is
2 intended. Orange being areas of concern; black,
3 harvest; green, areas of renewal and maintenance. In
4 fact you can see the renewal and maintenance bar chart
5 here.

6 Q. Sticking with these two notations for
7 area of concern 29 that had the arrows, I note that in
8 the areas that the arrows go to you have a broken
9 orange line within the stand and further into the stand
10 or further away from the lake, if we start on the west
11 side of the lake, you have a solid orange line.

12 Could you just describe what the
13 significance of that is and whether in fact the legend
14 indicates what those markings are all about?

15 A. That's correct. It's not shown on
16 the legend, but in fact is shown on the bar charts for
17 the area of concern. In fact, the solid orange line,
18 what you see here and here, is the 240-metre distance
19 line from the lake. (indicating)

20 The broken line denotes the 120-metre
21 distance from the lake and in fact because there is a
22 dual program taking place here, no -- a reserve in the
23 0-120 and negotiated selective harvesting in the
24 121-240, that broken line simply shows the distance
25 between the two.

1 Q. So a combination reserve -- the
2 combination reserve and modified harvest then is
3 depicted on the map?

4 A. That's correct. In fact it's shown
5 where the reserve will take place and it also denotes
6 where we will negotiate for the selective harvesting of
7 saw log quality material.

8 I was just going to say that while we're
9 looking at this map the existing roads are also in
10 black. There is an established road right here from
11 the previous planning period, and the red is the actual
12 500-metre road corridor for five-year planning
13 purposes. In fact, these roads -- this road right here
14 is closed to public travel (indicating) --

15 Q. Which road?

16 A. --and so is that road.

17 Q. All right. How do we describe this
18 road and that road?

19 A. Okay. The road into block 16 is
20 closed to public travel, the road into block 12 is
21 closed to public travel, and as well the road into
22 block 10 over here was because of the stream connection
23 into Little Vermilion Lake.

24 Q. Now, the concern that was -- what was
25 the concern raised by the tourist operator or operators

1 in relation to operations at the southerly end of the
2 lake which led to the combination prescriptions that
3 you've described?

4 A. Basically there were three concerns.
5 Access was probably the primary concern, visual
6 protection was another concern, and the issue of noise
7 or sound, any or all of which may have influenced the
8 ability of those tourist operators to sell a wilderness
9 experience to their guests.

10 Q. Mr. Multamaki, you indicated by --
11 when you were referring to Exhibit 840 that there was a
12 lodge on the west side of Little Vermilion Lake some
13 distance north of the area that we have been just
14 discussing on Exhibit 845.

15 Was there a concern raised by the tourist
16 operators or operator in relation to proposed
17 operations in that vicinity?

18 A. Yes, there were. They were very
19 similar in nature to the ones raised to the south. In
20 that case as well the access concern was addressed
21 through closed roads and in fact the road system that
22 accesses these blocks of timber are closed under the
23 Public Lands Act.

24 Q. You are indicating the loss of timber
25 located on the east side of Vermilion Lake directly

1 opposite to where the Sportsman Lodge is located?

2 A. That's correct.

3 Q. The roads into that -- those
4 allocations are closed roads?

5 A. That's correct. They're closed to
6 public travel.

7 Q. And were any of the concerns -- when
8 you say there were concerns raised at the southerly end
9 of Little Vermilion Lake for the three reasons you have
10 indicated, which tourist operator was raising the
11 concerns?

12 A. I'd have to say that both of those
13 tourist operators on that lake were equally outspoken
14 about their concerns on access, visual protection and
15 noise on Little Vermilion Lake.

16 Q. One of them being the tourist
17 operator that was running Sportsman Lodge?

18 A. That's correct.

19 Q. Where was the other tourist operator,
20 or just the operator's camp or lodge?

21 A. He was located on the south side of
22 Little Vermilion Lake in that general vicinity right
23 there. In fact I think he was located right there.
24 (indicating)

25 Q. Can you show us where that is on

1 Exhibit 845?

2 A. Yes. If I'm not mistaken it's on
3 this peninsula right here.

4 Q. All right. And what was the name of
5 that operator?

6 A. That's Howie Bay Camps. And in fact
7 in the documentation it's directed to a Mr. Bev Cheney,
8 C-h-e-n-e-y.

9 Q. All right. And we will get to that
10 documentation in a moment. Is there anything in the
11 material which deals with discussions or negotiations
12 with the operator of Sportsman Lodge?

13 A. Yes, there is. In fact we have a
14 fair bit of documentation in the form of letters,
15 negotiations and so on with both Sportsman Lodge and
16 Howie Bay Camps.

17 Q. Correspondence to the operator of
18 Sportsman Lodge, what's the name of the addressee in
19 that correspondence?

20 A. Mr. A. Geary, G-e-a-r-y. It's also
21 important to point out that in the documentation this
22 Little Vermilion Lake area does have a long history of
23 both logging and tourism operations and what you see is
24 basically a five-year chunk out of that documentation
25 or a piece out of it and in fact in the Ministry

1 records and documentation and so on it goes back a
2 great number of years and this leads to the, I guess,
3 agreements and things like 800-foot MMAs and so on in
4 the past.

5 So there is some traditional background
6 information that is in place on Little Vermilion Lake
7 or was in place on Little Vermilion Lake prior to
8 starting this planning process and that will show in
9 the documentation that we've got right now.

10 Q. Could you advise how -- you mentioned
11 there were three reasons giving rise to concern;
12 access, visual protection, and noise?

13 A. That's correct.

14 Q. Could you advise how each of those
15 concerns was addressed through the process that was
16 followed, and perhaps you could just deal with that?

17 A. Yes. As far as access goes, we
18 looked at the primary vehicle being closed roads, roads
19 that were closed to public travel, therefore that would
20 limit access to the lake and, in fact, it would
21 eliminate it for recreational purposes. We looked
22 at -- that's access, it would eliminate the access
23 through forest -- or timber management roads. For...

24 Q. Visual protection.

25 A. ...visual protection, the reserve

1 situation in the way of 0-120 metres was the primary
2 vehicle; i.e., they would not be able to see through
3 the 120 metres to operations behind and, in addition to
4 that, there was the added benefit of the 120-240
5 selective harvesting that would only remove a small
6 portion of that backshore area.

7 With respect to noise, we relied on a
8 combination of factors. Obviously the 0-120 no-cut
9 reserve, plus the 121-240 metre selective harvesting
10 which meant there was a relatively wide band of
11 standing material between operations and the lakeshore
12 itself. We also relied on the block layout in that the
13 blocks were relatively separated by a relative amount
14 of distance or a large amount of distance on a lake.

15 If you look at Exhibit 840 you will
16 notice that they are really in two areas, the
17 southeast -- or southwest corner down here and to the
18 east of Little Vermilion Lake. (indicating) As well,
19 from an operational standpoint, this southern part we
20 looked at operating during the summer periods and the
21 northern part during the winter periods.

22 Q. I understand that the documentation
23 that we will look at in a moment does in fact detail
24 the discussions which took place regarding these time
25 of operations?

1 A. That's correct. Originally we had
2 negotiated a one-kilometre seasonal restriction in that
3 we would not operate between May 15th and August 15.

4 Q. What do you mean originally you had
5 negotiated?

6 A. That was during the original draft
7 plan that burned prior to Fire No. 7 in 1986. The --
8 what arose from that was that the saw mill, the local
9 saw mill, Skookum Bay Logging which has the licence for
10 the timber in the Little Vermilion Lake area, runs very
11 heavily in the summertime. Their prime operating
12 season is also the summer and their saw log quality
13 material was tied up in this block 12 and block 16 on
14 the southwest corner of Little Vermilion Lake.

15 So we went back in the second -- in the
16 rewrite of the Red Lake Crown plan and through
17 negotiations had that seasonal restriction discontinued
18 in the plan that's approved today, and that was through
19 negotiations and consultation with the tourist
20 operators on Little Vermilion Lake.

21 And in fact what in essence took place
22 was that the two businessmen recognized the need of
23 each other in the way of operations and in fact they
24 had worked out, I guess not only the recognition, but
25 they had worked out the ability to do business in the

1 same area recognizing each other's needs.

2 Q. How did the -- could you sort of
3 describe the discussions which took place? First of
4 all, discussions took place between the two operators,
5 the timber operator and the tourist operator?

6 A. Initially discussions were -- well,
7 discussions have always been through the Ministry and
8 the Ministry was involved in all of the discussions and
9 negotiation, but this goes back prior to the plan that
10 we see approved today.

11 In fact, originally in the early 80s when
12 we started looking at operations in the Little
13 Vermilion Lake area we had flown in with the tourist
14 operators. In fact when that patch of wood there in
15 the northeast corner of base map 512934 was cut the
16 tourist operators in the Ministry had flown in there
17 and actually field inspected it, walked it, and that's
18 how the reserve here was laid out on the shore. So
19 that was part of the process that had taken place prior
20 to this plan being approved.

21 Q. The area that you just indicated that
22 you just flew into in early 80s is the area in the--

23 A. The north.

24 Q. --the northwest -- northeast corner
25 of Exhibit 845 and is outlined in green?

1 A. That's correct. And in fact that's a
2 cut-over that now has been regenerated. That -- those
3 types of meetings I guess or this meeting and a number
4 of others between the district manager and the tourist
5 operators and the unit foresters, timber supervisor,
6 and so on over the years had made it pretty plain to
7 the Ministry what the issues on Little Vermilion Lake
8 were with respect to tourism and timber.

9 And throughout the planning process we
10 had a number of meetings both individually with the
11 tourist operators and the timber operators and combined
12 meetings between the Ministry, the timber operators --
13 the timber operator and the tourist operators, and
14 those three-way meetings really resulted in the
15 development of the final prescription that you see
16 displayed here on Exhibit 845.

17 Q. Would it be accurate to say that a
18 consensus had been reached between the tourist
19 operators and the saw mill operator regarding the
20 prescriptions?

21 A. That's a fair statement, that a
22 consensus had been reached on how to deal with the
23 harvesting operations in the Little Vermilion Lake
24 area.

25 Q. In your opinion what formed the basis

1 of that consensus?

2 A. It was really the understanding
3 between the tourist operators and the local timber
4 operator that they were -- I guess had to do business
5 in the same area, that there weren't a lot of other
6 options for them and that in fact they were both
7 businessmen and they had to deal with that issue.

8 Q. And you indicated that the noise
9 issue in fact was negotiated, they came to an agreement
10 on that, they understood each other's position. Was
11 there any specific prescription which was agreed to
12 which would address noise and, if so, could you
13 describe what that prescription was?

14 A. There was I guess the commitment on
15 the part of the timber operator that we would attempt
16 to cut those blocks as quickly as possible to reduce
17 the time that the noise would take place.

18 Also, there was a commitment by the
19 tourist -- or by the timber operator that they would
20 attempt to cut the blocks furthest from the lake during
21 the peak season, the May 15th to August 15th season,
22 and cut those blocks closest to the lake during the
23 winter season when obviously the tourist operator
24 wasn't -- didn't have guests in the lodge or outpost
25 camps.

1 Q. Now, Mr. Multamaki, the map or the
2 road that we were going to use when we get to the road
3 evidence is the Valhalla Road which you have already
4 described in earlier evidence. Is there a map which
5 you believe -- pardon me, was any of the concerns
6 raised by those tourist operators a concern about the
7 location of primary access roads?

8 A. Yes. The tourist operators on Little
9 Vermilion Lake were always concerned with access, as I
10 previously pointed out, and in fact they were the
11 individuals that identified the fourth option during
12 the original information centre that in fact we see
13 approved in this plan here.

14 Originally we had identified the three
15 alternatives going north from the Pine Ridge Road and
16 the tourist operators didn't find any of those
17 alternatives acceptable.

18 The primary reason that they were
19 concerned with those three southern alternatives is
20 this river system right here, you see it on Exhibit 845
21 at the top, it is called the Rathouse River System, one
22 of the alternatives would have crossed that - I think
23 it was alternative 1 - at this point here about halfway
24 between Little Vermilion Lake and Rathouse Lake.

25 Obviously that would have created

1 immediate access into Little Vermillion because it's a
2 major river system right into the lake and if you look
3 on Exhibit 840 that river system is here. (indicating)
4 It's just to the south of Sportsman lodge, and it is
5 our understanding that the guests from Sportsman Lodge
6 fish these river mouths and the Rathouse River system
7 quite extensively.

8 So we recognized at that point in time,
9 yes, crossing the Rathouse River system would have
10 created an access situation for the tourist operators
11 on Little Vermilion Lake.

12 Q. I just want to put up Exhibit 836 for
13 a minute. The primary access road and the options for
14 it that you are talking about it, are they shown on
15 Exhibit 836?

16 A. They are. They are located in the
17 north part of the Red Lake Crown. That's Little
18 Vermilion Lake, the dark blue area that you see in the
19 north part. The four alternatives, the three from the
20 south are blue here, purple here and green there,
21 (indicating) all of them to the west of Little
22 Vermilion Lake. The alternative that we selected and
23 in fact approved in the Red Lake Crown plan is the red
24 alternative from the north. (indicating)

25 Q. Coming off the Nungesser Road?

1 A. Coming of the Nungesser Road.

2 Q. And by choosing that option then
3 there was no primary access road running up the
4 westerly -- the west side of Little Vermilion Lake; is
5 that correct?

6 A. That's correct, and in fact the
7 Rathouse River system was not -- there was no need to
8 cross the Rathouse River system or any major river
9 system.

10 Also, I should point out that this river
11 system being the size that it is there was a real and
12 legitimate concern on the industrial side that a major
13 crossing of that type would be extremely expensive and
14 there was a financial aspect to those -- selecting one
15 of those corridors as well.

16 Q. Mr. Multamaki, we will be discussing
17 the planning and the documentation in relation to those
18 options further. If I can get -- we had some
19 discussion the other day about it, but there will be
20 further evidence about that later today?

21 A. Yes. Just in closing I would like to
22 point out one other thing. We talk about the timber
23 and tourism values and so on in the Little Vermilion
24 Lake area and I don't want to mean that that
25 overshadows the other values that are there, for

1 example, fisheries, moose and so on.

2 You will notice on Exhibit 840 that the
3 breakup of the cut -- in fact in any of the areas, but
4 if we point specifically to the east side of Little
5 Vermilion Lake it's quite broken up, the amount of edge
6 is considerable as a result of that breakup and in fact
7 when we developed this harvesting plan it took into
8 account things like the moose guidelines and the -- and
9 in fact it was in agreement with the moose and
10 fisheries guidelines.

11 And if you look at the 120-metre no-cut
12 reserve on Little Vermilion Lake, in fact it's in
13 excess of the fisheries guidelines and this, I think,
14 Mr. Bisschop alluded to the fact that -- or stated the
15 fact that in some cases areas of concern and reserves
16 may in fact be larger than those given in the
17 guidelines or shown in the guideline for fisheries.
18 This is an example of that.

19 Q. You indicated that the stand on the
20 east side of Little Vermilion Lake, as indicated on
21 Exhibit 840, was broken up. Can you explain what you
22 mean by reference perhaps to Exhibit 834?

23 A. Certainly. What we are dealing with
24 here is that if you look at the east side of Little
25 Vermilion Lake on the eligibility map, which is Exhibit

1 834, there is a large block of overmature timber,
2 basically spruce, in yellow.

3 From a timber management perspective
4 allocations or areas could be selected anywhere within
5 that block of timber that's considered eligible. In
6 fact, as we discussed previously, it is colour solid,
7 it denotes that it's 101 plus in the overmature
8 category and in fact should be scheduled for operations
9 first, or that's what we would like to schedule for
10 operations first.

11 When you look at Exhibit 840, the actual
12 blocks that have been selected have been selected in a
13 relatively dispersed pattern in the fashion of cut and
14 leave, and what you get is you get a broken cut pattern
15 with a fair bit of edge which is conducive, as I
16 understand it, to moose habitat and you also get blocks
17 that are -- a number of smaller blocks rather than one
18 large single contiguous cut-over.

19 Q. Okay. Well, I have no further
20 questions and if the Board doesn't and you have nothing
21 else to say you can go back and talk about how all this
22 was documented.

23 Okay. Now, Mr. Multamaki, is the
24 evidence that you just gave explaining the
25 circumstances regarding the areas of concern on Little

1 Vermilion Lake documented in any way in the timber
2 management plan or the supplementary documentation?

3 MR. MULTAMAKI: A. Yes, in fact it was,
4 and I think previously we had gone to Book 6 and that
5 was area of concern No. 29 which is found on -- I am
6 sorry, on page 115 of Book 6 in Exhibit 814. We had
7 previously jumped to the final or the Part 8 on page
8 117 where it says: "Public comments and concerns".

9 That really is where it keys you to the
10 fact that there were a number of concerns and in fact
11 they were documented in the supplementary
12 documentation, and it is basically telling the reader
13 that they should look further at the supplementary
14 documentation to get a full description of in fact the
15 process or occurrences that happened leading up to the
16 establishment of this 0-20 metre no-cut with negotiated
17 selective harvesting in the 121-240 metre area.

18 MR. FREIDIN: Now, Mr. Chairman, I would
19 like to mark as the next exhibit the documentation from
20 the supplementary documentation general file of the Red
21 Lake Crown Management Unit, Timber Management Plan
22 which relates to area of concern No. 29.

23 Now, perhaps if it could just be marked
24 as supplementary documentation Area of Concern No. 29,
25 Red Lake.

1 THE CHAIRMAN: Very well. Exhibit 846.

2 MR. FREIDIN: (handed)

3 ---EXHIBIT NO. 846: Supplementary Documentation, Area
4 of Concern No. 29, Red Lake.

5 MR. FREIDIN: Now, we had a little
6 trouble with the pages here, Mr. Chairman, they were --
7 originally the numbers didn't come out very well. Mr.
8 Kennedy one evening actually very recently put numbers
9 on them and for some reason the xeroxing again came out
10 with some numbers missing.

11 Q. So I am wondering if we could just
12 take a moment, Mr. Multamaki, if you could go through
13 the exhibit that you have, which I understand has all
14 of the numbers on them, and indicate to the Board what
15 numbers should be at the top right-hand corner.

16 MR. MULTAMAKI: A. Certainly. If you
17 turn past the covering page to the memo dated
18 1986/9/23, the page number should be 168. Incidentally
19 these all are all pages taken from Book 5 of the Red
20 Lake Crown Management Unit Plan.

21 Q. And I understand the numbers are not
22 going to be in sequence because you have taken the
23 material and you've put it into chronological order for
24 ease of understanding?

25 A. That is correct.

1 Q. Okay.

2 A. With one exception, I had a problem
3 with the date here.

4 Q. Okay. So the page number again?

5 A. 168 is the first page, 169 would be
6 the second one, 94, 95, 97, 98, 99, 100.

7 Q. 100 then is the end of the minutes?

8 A. That is the end of the minutes where
9 it says minutes taken by Dave Lawson.

10 Q. Okay.

11 A. And 96, 101.

12 Q. That is the letter of November the
13 21st to Mr. Cheney?

14 A. That's correct.

15 Q. Thank you.

16 A. And 102, letter to Mr. Geary; 103,
17 title is Minutes; 132, that is the Monday, November
18 03/1986 meeting; 133, 134, 135, 138, that is the
19 Memorandum of 1986, 12/05, 104.

20 THE CHAIRMAN: Are the words on that
21 'confirm by telephone'?

22 MR. MULTAMAKI: Yes. Then 105 again the
23 same thing, 'confirm by telephone', and 106, that is
24 the final page.

25 Really I have dealt with the specifics of

1 the Little Vermilion Lake area and what I will do here
2 is briefly go through the documentation that was
3 associated with establishing or developing the
4 prescriptions for the areas of concern on Little
5 Vermilion Lake; i.e., area of concern No. 29.

6 If you turn to the first page of Exhibit
7 846, page 168, really the first paragraph shows that in
8 fact this is documentation showing that we did a field
9 inspection with Mr. Cheney. Now, Mr. Cheney is the
10 owner of Howie Bay Camps who has the two outpost camps
11 on the south of Little Vermilion Lake.

12 Really there is a number of points in
13 here, ten in fact. The first two deal with visual
14 protection that Mr. Cheney required on Little Vermilion
15 Lake and in that we talked about a 120-metre no-cut
16 reservation and the fact that we will do everything --
17 we will make -- everything in our power, I guess, or
18 effort to eliminate the visual impact of harvesting
19 operations.

20 Three -- points 3 to 7 in that memo
21 really talk about access controls and how we will
22 address the access situations to Little Vermilion Lake.
23 And some of the things that I didn't talk about when we
24 were up with the maps was point 4 and 5, in that we
25 would site prepare and plant the roads, particularly

1 the tertiary roads to promote rapid regeneration. We
2 also talk in point 5 of permanently removing those
3 roads through ditching after silvicultural operations
4 are completed.

5 Q. You said the reference No. 4 was in
6 relation to tertiary roads?

7 A. That's correct, in fact all roads.
8 It was understood that we would plant whatever roads we
9 could that were possible from a silvicultural
10 standpoint. Sometimes secondary roads are very
11 difficult to plant given the amount of gravel that may
12 be on them.

13 In point 6 we also talked about the
14 winter/summer situations with respect to harvesting the
15 blocks in the south end of Little Vermilion Lake. The
16 fact that we would not harvest these during the winter
17 of 1986/87 and in fact we would block the road there so
18 that the public could not access, even though they were
19 closed under the Public Lands Act.

20 Point 7 deals with that road to the west
21 that I pointed out to where there was the possibility
22 of access down the stream system.

23 In point 8 that seasonal restriction
24 comes up with respect to the saw mill owner finding it
25 very onerous attempting to run his saw mill with the

1 material tied up for the summer months in those blocks
2 around Little Vermilion Lake and in fact we make the
3 request that we examine - and this is on page 169 now
4 at the very top - we make the request there to
5 re-examine the seasonal -- the tourist operator's need
6 for the seasonal restriction and perhaps modify it.

7 Point 9 deals with visual. Again, there
8 is a small lake to the southeast that we put a
9 120-metre no-cut reserve which follows the top of the
10 slopes and the two are pretty well concurrent; i.e.,
11 the 120 falls at about the top of the slopes in that
12 case.

13 10 again deals with access and it really
14 deals with the crossing where the Pine Ridge Road
15 crosses the Chukuni River.

16 And as a sort of a closing comment, the
17 final paragraph on page 169 solicits input again from
18 these tourist operators and advises them to come in and
19 talk to us about the rewriting of the timber management
20 plan.

21 We move on to page 94 which is the next
22 page in this exhibit. Really this is simply the
23 letter -- page 94, this is a letter to Mr. Cheney and
24 page 95 is a copy of that letter to Mr. Geary, in fact
25 they were two letters that were exactly the same on

1 page 94 and 95 to Mr. Cheney and Mr. Geary requesting
2 that we set up a meeting between the MNR and Skookum
3 Bay Logging Limited, which is the local timber operator
4 that has the licence in that area and owns the saw mill
5 in Red Lake, to get together and discuss and negotiate
6 the forest management or timber management activities
7 in the vicinity of Little Vermilion Lake.

8 Now, here's where I had a problem with my
9 dates and I'll use page 132 which is the planning team
10 meeting of Monday, November the 3rd, 1986 and in fact
11 this --

12 Q. Sorry, are we supposed to go to...

13 A. Yeah, page 132 which is in the middle
14 of this Exhibit 846.

15 Q. Okay, thank you.

16 A. This in fact is the minutes of the
17 planning team meeting that occurred on November 3rd,
18 1986, and basically it shows the negotiations that we
19 wanted to, I guess, implement with the tourist
20 operators and the timber operators on the Little
21 Vermilion Lake or in the Little Vermilion Lake area.

22 What it is showing is in the first three
23 or four paragraphs we stated that and this, incidentally
24 is, the planning team that is talking here, the minutes
25 of planning team minutes and within the planning team

1 we are talking about setting this meeting up, talking
2 to the tourist operators and the timber operators and
3 in fact negotiating the area of concern package as such
4 on Little Vermilion Lake or in area of concern 29.

5 Of interest at the bottom is the last
6 paragraph of those planning team meetings dealing with
7 this cut-over size, moose habitat concerns, and if you
8 go on to page 133 it also talks about the fisheries
9 implications. And, in this case, it's Red Lake that we
10 are dealing with that's more of interest than anything
11 else.

12 If you can go back to page 97 of Exhibit
13 846, this is the actual minutes from the logging/
14 tourism meeting that we had between Skookum Bay
15 Logging, Bev Cheney and Al Geary or Howie Bay Camps and
16 Sportsman Lodge. It was on November 10th, 1986, and
17 occurred seven days after the previous planning team
18 meeting that we discussed.

19 In the first paragraph you notice that
20 the statement is made that Little Vermilion Lake - it's
21 the last sentence in the first paragraph -

22 "Little Vermilion Lake area is a very
23 contentious area since it is a valuable
24 tourism area as well as a valuable timber
25 harvesting area."

1 We are really setting the stage there for
2 the, I guess, conflicting interests or the situations
3 where tourism and timber are looking at the same
4 general area.

5 The third paragraph shows that it was
6 necessary to bring the key users of the resource in
7 that area together, and if you go to the second last
8 paragraph on that page, this is really the first place
9 that you see the prior agreement. It's the last
10 paragraph -- or at the last sentence of that second
11 last paragraph it shows a prior agreement of 800-feet
12 forested reservation on Little Vermilion Lake, and that
13 really was the old 800-foot reserve that was in place
14 on Little Vermilion and that really was the starting
15 point that we used when establishing negotiations.

16 On page 98 --

17 THE CHAIRMAN: Mr. Multamaki, was that
18 800-foot reserve effectively a doughnut application in
19 previous years?

20 MR. MULTAMAKI: Yes, in the truest sense
21 of the doughnut application.

22 THE CHAIRMAN: Thank you.

23 MR. MARTEL: Does it differ, might I ask
24 though then, that which was simply applied to all
25 waterbodies? This one seems to have been agreed by

1 certain individuals as opposed to the doughnut effect
2 which I understood was simply applied to all
3 waterbodies. There seems to be a difference in how
4 this reserve was reached.

5 MR. MULTAMAKI: You mean the original
6 800-foot reserve?

7 MR. MARTEL: Yes.

8 MR. MULTAMAKI: Yeah. That 800-foot
9 reserve goes well back before my time and I wasn't part
10 of the original negotiations that took place on it.

11 It's my understanding that that area had
12 always been recognized or had been recognized since the
13 60s when Sportsman Lodge was in fact constructed as a
14 major fly-in tourism area so -- and that I think was
15 the rationale for the original 800-foot reserve.

16 MR. FREIDIN: Q. Do you have any
17 knowledge as to whether or not when that 800-foot
18 reserve was set - and I don't want you to guess, only
19 if you have some information when that 800-foot reserve
20 was set - was there a detailed analysis or look/see to
21 see whether operations within the 800-foot could or
22 could not be carried out without affecting the remote
23 tourism value?

24 MR. MULTAMAKI: A. No. It's my
25 understanding that that 800-foot reserve goes back into

1 the 70s, perhaps as far back as the early 1970s and, in
2 fact, prior to there being a number of guidelines that
3 we've presently got in place.

4 Q. So do they consider whether you could
5 operate in there without -- and still protect the
6 value, or is it your understanding that they did not
7 look at that issue?

8 A. I am not sure that they looked at
9 that issue at that time. I have no real knowledge of
10 it.

11 Q. Thank you.

12 A. Going back to page 98 of this
13 exhibit, about halfway down the page, in fact the
14 fourth and fifth paragraphs deal with that seasonal
15 restriction on operations and you notice the first
16 sentence in paragraph No. 4 is:

17 "Mr. Kosloski indicated that he had
18 problems working around the one-kilometre
19 seasonal restriction."

20 If we jump to the last sentence of
21 paragraph No. 5, a statement is made:

22 "With this in mind, both Mr. Geary and
23 Mr. Cheney agreed to drop the
24 one-kilometre seasonal logging
25 restriction."

1 What took place is that they sat down,
2 they talked about it. The timber operator explained
3 the situation, told them he had a problem and that it
4 was going to affect his saw milling operation in Red
5 Lake and it came to a mutual understanding that: Hey,
6 if we don't cut in there in the summertime there is
7 going to be a woodflow problem at the saw mill, and in
8 fact they reached an agreement that: Yeah, we don't
9 really need the seasonal restriction.

10 We move on to page 99. These issues were
11 summarized in the three points; point 1 being that in
12 general the 800-foot forested reservation would remain
13 in effect, that was the 240-metre area of concern; that
14 beyond the 800-foot line we would look at block
15 allocations and so on; and that the one-kilometre
16 seasonal restriction would in fact be discontinued.

17 As a general comment at the bottom of --
18 or under general comments at the bottom of page 99 you
19 also notice that we get back to visuals and the visual
20 issue. The last sentence on that page states that:

21 "At the outset of this meeting the prime
22 concerns of the tourist outfitters was to
23 restrict access and to provide a visual
24 barrier of forest land between the lake
25 and the logging area."

1 And if you turn to page 100, the final
2 paragraph there indicates that in fact those primary
3 issues had been addressed or resolved and the statement
4 there is that:

5 "The initial impression of this meeting
6 is that the parties involved had
7 accomplished what was set out; i.e.,
8 concerns were raised, concessions and
9 compromises made so that both logging
10 and tourism could continue in the Little
11 Vermilion area with minimal impacts."

12 THE CHAIRMAN: Mr. Multamaki, is it the
13 policy of the Ministry to provide participants to
14 meetings with copies of the minutes prepared by MNR?

15 MR. MULTAMAKI: In this -- I can't speak
16 for the entire Ministry, but in this instance, these --
17 all of the minutes and -- at these meetings were
18 provided to the participants.

19 THE CHAIRMAN: So presumably if they
20 didn't agree with the synopsis prepared by MNR, they
21 would have an opportunity to object?

22 MR. MULTAMAKI: Yes, if they didn't agree
23 they would have objected.

24 MR. FREIDIN: Q. In fact, Mr. Multamaki,
25 am I not correct that you in an unsolicited fashion

1 approached these two operators to confirm that they --
2 that what they had negotiated and what was recorded in
3 the minutes was accurate?

4 MR. MULTAMAKI: A. Yes. I think we are
5 going to get on in a minute here to where there is an
6 unsolicited letter saying that: Look, come on in and
7 talk to us if you have got any problems with what we
8 negotiated, take a look at the maps, go over them
9 before we present them at the information centre, and
10 make sure that we all have a common understanding of
11 what is going to take place at that information centre.

12 The concern on my part at that time was
13 that we would walk into the information centre and in
14 fact we didn't have a common understanding. So there
15 were two or three meetings to ensure that that didn't
16 take place. And when you get to the information centre
17 you will find that in fact the tourist operators were
18 quite satisfied with -- that in fact we had done
19 exactly what we had said and that the understanding was
20 there.

21 On page 96, this memorandum to the
22 District Manager from Mr. Lawson simply gives a
23 breakdown of what happened -- took place between the
24 timber operators, tourist operators and the MNR at this
25 meeting. It is simply a follow-up memo to the District

1 Manager stating that, for example, in paragraph No. 2,
2 the last sentence:

3 "Although no one party ends up in an
4 ideal position, each party was quite
5 satisfied with the agreements made."

6 And point 1 and 2 in the center of the
7 page deals with the seasonal restriction being
8 discontinued and the fact that the tourist outfitters
9 had agreed to negotiate a selective harvesting method
10 to remove the saw log volumes in the southeastern
11 section of Little Vermilion Lake.

12 THE CHAIRMAN: Excuse me. Just going
13 back to page 97 where you reflect the minutes of the
14 actual meeting, the District Manager was not present at
15 that meeting, as I understand it and, therefore, you
16 gave him a memorandum which is on page 96 indicating
17 what the results were?

18 MR. MULTAMAKI: That's correct.

19 THE CHAIRMAN: Now, what would the
20 position of the participants to the meeting be,
21 vis-a-vis the authority of the Ministry participants to
22 agree to anything without the consent of the District
23 Manager at that point in time?

24 MR. FREIDIN: You mean to come to a
25 binding agreement?

1 THE CHAIRMAN: Well, in other words, is
2 it left on the basis: Here's what the parties
3 basically can live with, we will now take it back to
4 the District Manager and the Ministry would be happy if
5 he's happy, or do you go further than that at these
6 sessions with the various participants and, in effect,
7 outline the position of the Ministry which they would
8 then expect you to comply with?

9 MR. MULTAMAKI: In this instance there
10 was a pretty clear understanding by myself and Mr.
11 Lawson of what the Ministry's position on Little
12 Vermilion Lake situation was and the bounds that we had
13 the ability to operate within.

14 Certainly had the tourist operators or
15 the logging company been unable to come to any
16 agreements, it would have perhaps been the District
17 Manager that would have had to make the decision on how
18 to proceed at that point.

19 The fact of the matter is that because
20 there was mutual agreement and it didn't conflict with
21 any MNR policies, guidelines and so on, and it was
22 within the bounds that we were able to negotiate in, we
23 in fact made the commitment, I guess, of saying that we
24 will present it in this fashion at the information
25 centre. It was also made quite plain that as a result

1 of the information centre things may change.

2 For example, if somebody should come in
3 or new information should come to light as a result of
4 that information centre, it wasn't a commitment that we
5 would in fact produce it in the plan that way.

6 THE CHAIRMAN: But the general
7 implication was: You will support what they agreed to
8 or you would have stated so at the meetings?

9 MR. MULTAMAKI: That's correct. Yes, we
10 would have told them that we could not -- that that
11 position was insupportable at that point in time.

12 THE CHAIRMAN: Okay.

13 MR. MULTAMAKI: Turn to page 101 of
14 Exhibit 846, there is a letter to Mr. Cheney.

15 MR. FREIDIN: Q. What page again, I am
16 sorry?

17 MR. MULTAMAKI: A. Page 101. And in
18 fact page 102 is simply a copy of that letter to Mr.
19 Geary. Mr. Cheney and Mr. Geary generally received
20 exactly the same correspondence with respect to these
21 negotiations.

22 The second paragraph there basically
23 confirmed or sets up the agreement that we would get
24 together again and show them the maps. We set up a
25 time there, Friday, November 28th, prior to the

1 information centre, to show them in fact that the maps
2 we were presenting at the information centre agreed
3 with the discussions and negotiations that had taken
4 place prior to this between Skookum Bay Logging and the
5 tourist operators and that was to ensure in fact that
6 there was common ground or a common understanding and
7 that in fact we were doing what we said we would do.

8 And if we turn to page 103, here in fact
9 that is confirmed, it's the minutes of the Little
10 Vermilion tourist operators meeting. It was a meeting
11 between Dave Lawson, the Forest Management Supervisor,
12 Ed Everly who in fact is the District Manager we just
13 spoke of, Mr. Cheney, Mr. Geary and myself.

14 Of interest here, we discussed the area
15 of concern 29 and we started the meeting off by showing
16 an aerial video. In fact what it was was a helicopter
17 fly-by with a video of the shoreline of Little
18 Vermilion Lake for those blocks that I previously
19 presented for area of concern No. 29. And that as well
20 was to ensure that we had a common understanding of
21 what was out there.

22 And in fact the last line on page 103 of
23 these minutes showed that no problems were encountered
24 with the proposals shown on these maps and from there
25 we took them to the information centre.

1 Turning to page 138 of these minutes, the
2 middle paragraph is the really important part here. At
3 the second sentence of that it's stated that:

4 "It would seem that our negotiations with
5 the tourist operators on Little Vermilion
6 Lake addressed their situation since one
7 operator did not attend and the second
8 operator (Bev Cheney) commented only on
9 the roads program to endorse the
10 northern (Berens access option)."

11 This in fact is the Valhalla Road Option,
12 Road No. 24 that we discussed.

13 THE CHAIRMAN: Did that meet your
14 expectations in terms of who would have shown up at the
15 public information session? Did you only expect
16 possibly the two tourist operators and the Ministry?
17 What about any other persons involved in the area such
18 as hunters, trappers, native groups, et cetera?

19 MR. MULTAMAKI: No, I don't want to leave
20 the impression that people did not show up there, in
21 fact there were 68 individuals that showed up at the
22 information centre, one of which did comment on the
23 area north of Red Lake, the Pine Ridge Road in
24 particular, and with respect to access to Little
25 Vermilion Lake.

1 But in fact it did -- frankly, it did
2 surprise me that the one tourist operator did not show.
3 I had expected that he would at least come in and, you
4 know, float around or whatever, have a cup of coffee,
5 talk to us and so on. In fact he had seen the entire
6 package that was going to the information centre prior
7 to that, but...

8 Turning to page 104 of that example, this
9 memo in fact is one year later; it's 1987, 10/07. In
10 fact it's November 7th, 1987. One year almost to the
11 day -- well, one year -- just short of one year to the
12 day from the information centre, and the key here is
13 that this was sent out to Mr. Geary - that's page 104 -
14 and Mr. Cheney on 105, and you will see the confirmed
15 by telephone.

16 And basically what happened was I called
17 them asking them for a meeting, confirmed it in
18 writing, sent them a letter saying that we wanted to
19 get together with Al Geary and Bev Cheney to negotiate
20 the harvesting of a few small patches of saw log
21 material within the 121-240 metre area of concern on
22 Little Vermilion Lake.

23 In fact, we had an approved plan at this
24 point in time. What this letter shows is that we in
25 fact were living up to the agreements that we had made

1 with the tourist operators in that area and in fact
2 that those negotiations at this point, just within this
3 planning process, had taken in excess of a year.

4 And in fact the final letter on page 106
5 is relatively the same type of letter, just Skookum Bay
6 Logging inviting them to the same meeting so we can
7 negotiate harvesting in that area of concern.

8 Really I think that's all we need to talk
9 about with respect to documentation of area of concern
10 29 and negotiations that took place and the input from
11 the operators in that area.

12 MR. FREIDIN: Q. And one other letter
13 which doesn't appear in Exhibit 846. Do you have a
14 copy of a letter of July -- it says 1987/07/02. Is
15 that July the 2nd, 1987?

16 MR. MULTAMAKI: A. I'm not sure. It's
17 probably around, I can't seem to locate it right now.

18 Q. All right. Well, perhaps if we
19 can -- I will consider whether it is important and, if
20 so, we can deal with it tomorrow.

21 A. All right.

22 Q. And to finish off this discussion of
23 area of concern 29, do we find the decision in relation
24 to that area of concern again documented in the plan
25 itself in Table 4.12 at page 81 of Book 1, Exhibit 814?

1 A. You are speaking of page 81, Book --
2 Exhibit 814, area of concern 29, that's Table 4.12,
3 page 10 or Part 10.

4 Q. I don't think it's necessary to go
5 through it, Mr. Multamaki. I just wanted to confirm-
6 that in fact the decision that was arrived at through
7 the process that you described was indeed identified
8 and recorded in area of concern -- pardon me, in Table
9 4.12 in accordance with the process outlined by Mr.
10 Kennedy?

11 A. Yes, that's correct. Both the
12 harvest method negotiated under the Harvest column and
13 the access restriction under the Access column for
14 there.

15 Q. Thank you.

16 MR. FREIDIN: Mr. Chairman, that might be
17 an appropriate time to break.

18 THE CHAIRMAN: Very well. We will
19 adjourn for 20 minutes. Thank you.

20 ---Recess taken at 2:50 p.m.

21 ---On resuming at 3:15 p.m.

22 THE CHAIRMAN: Thank you. Be seated,
23 please. Obviously, Mr. Freidin, we didn't impress that
24 crowd.

25 MR. FREIDIN: It is not them that we are

1 attempting to impress, Mr. Chairman.

2 MR. CASSIDY: I think when they were --
3 they were a little plump after the doughnut
4 application.

5 MR. CHURCHER: They have gone to enroll
6 in the physical program.

7 THE CHAIRMEN: Probably went to the
8 doughnut shop.

9 MR. FREIDIN: Q. Now, Mr. Multamaki,
10 Exhibit 846 is documentation related to eight -- pardon
11 me, to area of concern No. 29 and can you advise
12 whether that exhibit contains all of the material in
13 the supplementary documentation which you believe
14 relates to that specific area of concern?

15 MR. MULTAMAKI: A. Yes. To the best of
16 my knowledge that does contain all of the material.
17 However, this letter - I guess the mystery letter that
18 you referred to prior to the break was one that I had
19 overlooked.

20 Q. And you've had an opportunity to look
21 at the letter?

22 A. Yes, I did.

23 Q. All right. Before you describe it,
24 perhaps we could make as the next exhibit a letter
25 dated -- is that July the 2nd, Mr. Multamaki?

1 A. 07/02, yes.

2 Q. July the 7th -- July the 2nd, 1987,
3 it's a letter from Mr. Everly to Mr. Geary, and I
4 understand there is also a similar letter, same date,
5 but addressed to Mr. Cheney?

6 A. That's correct.

7 MR. FREIDIN: Can we mark that as the
8 next exhibit, Mr. Chairman.

9 THE CHAIRMAN: Exhibit 847.

10 MR. FREIDIN: (handed)

11 THE CHAIRMAN: Thank you.

12 ---EXHIBIT NO. 847: Copy of letter dated July 2, 1987
13 from Mr. Everly to Mr. Geary.

14 MR. FREIDIN: Q. Can you describe the
15 letter, what's it all about and why was it sent?

16 MR. MULTAMAKI: A. Yes. The letter was
17 sent out after -- or on the 2nd day of July, 1987. In
18 fact it was sent out after the 30-day public review of
19 the draft plan and it was sent to Mr. Geary and Mr.
20 Cheney to confirm a telephone conversation that I held
21 with them, and basically if you notice in the second
22 paragraph it makes the statement that:

23 "We are presently at the end of the
24 30-day review period. It was felt that
25 we should check to see that you were

1 aware of this and did not have any
2 further unaddressed issues."

3 We were basically checking with Mr. Geary
4 and Mr. Cheney to ensure that they hadn't developed any
5 new concerns during the draft review of the draft plan
6 and the 30-day public review period.

7 The third paragraph goes on to discuss
8 this, it says:

9 "As discussed, there are no proposed
10 changes to any of the items that were
11 negotiated in the Little Vermilion Lake
12 area. Even though we are beyond the
13 public review period we have no problem
14 with you examining this draft plan at any
15 time. In fact, we encourage you to
16 continue participating in this planning
17 exercise."

18 We were really encouraging them to
19 continue interacting with the Ministry in the timber
20 management planning exercise for the Red Lake Crown.

21 And I guess this also addresses one of
22 the items that you were concerned about, Mr. Chairman,
23 in that we had not made commitments to the two tourist
24 operators that in fact our agreements were carved in
25 stone prior to the information centre, and I think that

1 first sentence pretty well points that out where it
2 states that:

3 "...there are no proposed changes to
4 any of the items that were negotiated
5 in the Little Vermilion Lake area."

6 Q. And the public review period which
7 you stated would not affect the ability of these two
8 gentlemen to speak about the plan, what review period
9 is that referring to?

10 A. That was the 30-day review of the
11 draft plan, public review of the draft plan.

12 Q. All right. Mr. Fleet, I understand
13 you will be discussing the provisions of the process
14 which give opportunities to the public to review and
15 inspect draft and MNR approved plans?

16 MR. FLEET: A. Yes, that's correct, Mr.
17 Freidin.

18 Q. Thank you. Mr. Bisschop, before we
19 move on to Mr. McNicol, one question. Is there a term
20 and condition which deals with compliance monitoring
21 for areas of concern?

22 MR. BISSCHOP: A. Yes.

23 Q. And could you advise me, is any part
24 of that term or condition relevant to the planning
25 process as distinct from monitoring which will be

1 discussed in Panel 16?

2 A. Yes, and I think the best way to deal
3 with this is perhaps to just read the draft term and
4 condition. It's a very short one.

5 Q. What number is it?

6 A. It is draft term and condition No.
7 17, and by way of introduction it outlines a
8 requirement for documentation in a plan related to
9 compliance monitoring. It reads:

10 "MNR shall ensure that timber management
11 plans outline a compliance monitoring
12 program of inspections of operations in
13 areas of concern."

14 This subject will be spoken to at some
15 length in the evidence of Panel 16.

16 Q. Okay. Mr. McNicol, where are you?

17 Mr. McNicol, I understand that you are
18 losing your voice very quickly.

19 MR. McNICOL: A. Not quickly enough, I
20 don't think, Mr. Freidin.

21 Q. In Panel No. 7, Mr. McNicol, you gave
22 evidence regarding the timber management planning
23 process providing opportunities for the concerns of
24 wildlife managers to be considered and accommodated,
25 and you also gave evidence that -- and I think Dr.

1 Euler and Mr. Hogg have indicated that wildlife
2 managers rely on timber management planning and the
3 activities themselves to assist in achievement of
4 wildlife objectives. Is that a fair recap of some of
5 your evidence?

6 A. That's correct.

7 Q. Could you describe for us how the
8 timber management planning process allows you to have
9 that type of input and how it assists you in achieving
10 wildlife management objectives?

11 A. I think, as already has been covered
12 by other members on the panel, the biologist's
13 objective when we enters into the timber management
14 planning process is to ensure that the values related
15 to wildlife habitat and those related to fisheries
16 concerns are identified and addressed. These are
17 site-specific values. That's his first concern -- his
18 or her first concerns.

19 The more broader concern with regard to
20 wildlife habitat would be the general range condition
21 or habitat condition after all values have been
22 addressed and prescriptions set for those specific site
23 values. Once that process takes place, the biologist
24 has to make an assessment in terms of whether the
25 general range conditions or habitat conditions have

1 been properly addressed.

2 Q. Now, when the biologist makes this
3 assessment, has the forester gone through the process
4 of selecting stands for operations?

5 A. He has, that would be after that
6 process has taken place. As Mr. Multamaki pointed out
7 just earlier, in the Red Lake plan, because of the way
8 stands were selected from the total area that was
9 eligible for harvest, it reduced the amount of concern
10 with regard to the Moose Habitat Management Guidelines.
11 In other words, there was a dispersed allocation; there
12 wasn't a contiguous allocation. There could very well
13 have been.

14 If you remember the allocation map, if
15 the allocations in the far north and in the southwest
16 had been concentrated in that central eligibility area
17 the potential for large contiguous clearcuts was very
18 real. Even addressing the site-specific values,
19 riparian concerns, tourism and the site-specific moose
20 concerns, it's very likely the general wildlife habitat
21 condition would not be adequately addressed.

22 THE CHAIRMAN: So when does your input
23 come in, once -- you say it happens after they've made
24 the selection, but would not your concerns be known
25 prior to the selection so they can make the selection

1 in a dispersed fashion?

2 MR. McNICOL: The concern, Mr. Chairman,
3 is known before the selection process takes place.
4 There are reasons why the type of dispersed allocation
5 that we saw on the Red Lake plan could not take place
6 in all situations. There are a number of variables
7 that enter into the selection of stands from the total
8 area eligible. One of the considerations, as Mr.
9 Multamaki has pointed out, other resource features.

10 But, as a for instance, there could be
11 very large areas of overmature timber, both close to
12 the mill and far away. Because of access problems it
13 makes more sense to try to take as much of that
14 overmature timber close to the mill as to put a lot of
15 dollars into roading to get to overmature that is far
16 away. So -- and that's just one variable.

17 Now, there are situations where that
18 takes place. I think Mr. Multamaki pointed that out,
19 there was an overmature block to the north and closer
20 to the mill. A decision was made that they would take
21 from both those blocks. But there are situations where
22 that may not happen.

23 MR. FREIDIN: Q. Now, is it possible
24 that after the forester has made the selection and that
25 after all of the site-specific values - whether they

1 are wildlife, tourism, fisheries or whatever have been
2 addressed through various prescriptions, reserves, et
3 cetera - is it possible after that, that the wildlife
4 representative would be satisfied with the general
5 range condition which had been created as a result of
6 those particular decisions?

7 MR. McNICOL: A. Yes, certainly. And I
8 think Mr. Multamaki's example in the Red Lake Crown is
9 a good example where that would happen.

10 Q. And could you just briefly describe
11 what you mean when you say that you would want to have
12 an acceptable condition across the range, which I think
13 maybe you referred to as general habitat?

14 A. As I spoke to in Panel 7 and Dr.
15 Euler spoke to in Panel 10 and Mr. Hogg spoke to in
16 Panel 11, what we mean by general habitat condition is
17 generally good dispersion of different age-classes and
18 timber types within the total area to be operated, so
19 that there is a variety of habitats available for
20 wildlife within the operational area.

21 Q. And is the spacial context of that
22 habitat a matter which would be considered by the
23 wildlife representative?

24 A. Indeed, that would be one of the
25 prime considerations, would be how that diversity was

1 spacially exhibited on the area to be operated.

2 Q. Now, is it also possible, Mr.
3 McNicol, that after that selection process had taken
4 place for operations and after all the site-specific
5 values had been addressed through area of concern
6 planning that a condition which existed would not be
7 satisfactory from the point of view of general habitat?

8 A. As I indicated in the Red Lake Crown
9 example, if the allocations, the selected stands in the
10 far north and in the southwest had been chosen instead
11 from that central large block that was eligible for
12 selection, the pattern that you saw there in terms of
13 the cutting would be much different. In other words,
14 there would be the probability of some very large
15 clearcuts.

16 Q. And if you had concerns regarding
17 general habitat as a result of that type of a selection
18 process, can you advise whether there is anything that
19 you could do about that -- anything you could do to
20 address your concerns regarding general habitat through
21 the vehicle of the timber management planning process?

22 A. In essence there would be a two-step
23 process. What the biologist would have to assess is
24 whether the areas that were involved in these
25 relatively large clearcuts had the capability of

1 holding good wildlife populations or not. If the area
2 had good capability for production of moose as our
3 featured species, then you would be looking -- he or
4 she would be looking to applying the guidelines in a
5 rigorous manner.

6 If the area conversely had low capability
7 for moose production, and thus a number of other
8 successional wildlife species, the guidelines would not
9 be applied as rigorously. The guidelines, however,
10 would be applied; it is a function of the level of
11 rigor, if you will, that they will be applied.

12 Now, mechanisms that can be used to meet
13 the habitat concerns involve such things as moose
14 corridors, leave blocks or shelter patches that would
15 be specified as being left in areas of concern.

16 Q. Now, would the consideration and the
17 thinking that you would go through as the wildlife
18 biologist in this situation where you still had a
19 concern about general habitat after the selection
20 process and after all the site-specific values had been
21 addressed, would that thinking and that process have
22 any relationship to the area of concern planning
23 process as described by Mr. Bisschop and Mr. Multamaki?

24 A. The process is exactly the same. You
25 have an area of concern because of its failure to meet

1 general habitat conditions and it would be addressed in
2 a similar manner to the manner that has already been
3 detailed; in other words, it would be indicated
4 probably in 4.12, there would be documentation --
5 supplementary documentation provided as well.

6 And perhaps I might on that point just
7 indicate that exactly how these general habitat
8 concerns will ultimately be addressed through the
9 planning process has not been fully decided at this
10 point in time. Suffice it to say that there will be
11 documentation and the most likely method to document
12 those concerns will be through Table 4.12 and
13 supplementary documentation in the same manner as other
14 areas of concern are dealt with.

15 Q. Mr. McNicol, could you, through the
16 use of a flip chart, describe how you could have an
17 area -- well, first of all, let me go back.

18 When you say that you could have an area
19 where you would have a continuing concern about general
20 habitat because of the size of the area, when you say
21 that, do you have in your mind the whole allocation
22 area or part of the area which has been dealt with
23 through the selection process?

24 A. It is most likely part of the area
25 not the whole area.

1 Q. And could you, again then through the
2 use of a flip chart, explain or demonstrate how what
3 you have just said, that you could be satisfied with
4 the general habitat concern in part of an area and
5 there would still be an area left that you might want
6 to address because of a continuing concern regarding
7 general habitat condition?

8 A. I get to draw again. Those poor
9 exhibits that I did in 7, you want me to duplicate here
10 in 15?

11 Q. Just one more.

12 A. All right.

13 MR. FREIDIN: Mr. McNicol, could you move
14 it over a little more so Mr. Martel could see it as
15 well. Thank you.

16 MR. McNICOL: Assume for the moment that
17 this as an area that has been allocated for harvest.
18 We have a river, we've got a lake, site-specific values
19 are identified, riparian concerns which end up in an
20 area of concern and the prescription for that area of
21 concern. Say we have a remote tourism concern on the
22 waterbody as well, that value ends up in a combination
23 of reserve and area of modified harvest. There is a
24 moose concentration area that has been identified
25 through habitat inventory.

1 The decision here is that there will be a
2 modification of the planned cut and that modification
3 will be a partial cut. This is a mixed wood stand, the
4 company is going to be allowed to take the conifer
5 material out but will have to leave all of the hardwood
6 material and the associated immature coniferous
7 understorey, so there is a partial cut here.

8 MR. FREIDIN: Q. You are showing that by
9 blue hatch marks.

10 THE CHAIRMAN: Mr. Freidin, would you
11 stand over a little bit so the reporter can also see.

12 MR. McNICOL: Assume that the company has
13 identified an area to the west of the moose
14 concentration area that is inoperable; they won't be
15 able to harvest it, so you know that this is going to
16 be left behind.

17 MR. FREIDIN: Q. And that's an area
18 which you have drawn in black.

19 MR. McNICOL: A. Scribbled in --
20 outlined in blue.

21 Q. Okay.

22 A. What I'm trying to draw for you here
23 is the picture that will be presented after all of the
24 site-specific values have been addressed and the
25 prescriptions for those values and areas of concern is

1 finalized.

2 The biologist now looks at the picture to
3 determine whether general habitat conditions have been
4 met, vis-a-vis the Moose Habitat Management Guidelines.

5 Q. And again in this situation, the
6 selection process of stands for operations during the
7 five years has also taken place?

8 A. This whole area was allocated. I
9 don't show stand boundaries in here because it would
10 muddy the picture up. Assume that that whole area is
11 made up of a group of stands that have been allocated.

12 What you are left with basically is some
13 relatively good diversity up here in this corner in
14 terms of stand types and age-classes. In this corner
15 here--

16 Q. Indicating the bottom portion of the
17 area.

18 A. --that does not exist. So in terms
19 of a general habitat concern it will be centered here.
20 (indicating)

21 What the biologist would assess is
22 whether this particular area had the capability to
23 benefit from a rigorous application of the guidelines
24 and, if not, then at what level the guidelines would be
25 applied in this particular area.

1 Q. Mr. McNicol, the area which you have
2 identified at the bottom which you indicated would be
3 an area where the general habitat condition would be
4 one of concern to the biologist -- the wildlife
5 biologist, would that area be identified as an area of
6 concern under the area of concern planning process?

7 A. It is going to be dealt with as an
8 area of concern in one way or the other. If the
9 biologist decides that even though this particular area
10 is going to be extensively clearcut, but does not have
11 the capability to respond to rigorous application of
12 the guidelines, this area will be identified as an area
13 of concern and the rationale for allowing this
14 particular clearcut to exceed the guidelines by that
15 much will have to be detailed in supplementary
16 documentation.

17 Now, I think, as the Board is aware, the
18 kick-in number here is 260 hectares. If the biologist
19 decides that this area does have the capability to
20 respond to rigorous application of the guidelines, it
21 still is addressed as an area of concern and what you
22 will see prescribed here are leave blocks; it could be
23 a combination of these leave blocks, moose corridor,
24 shelter patches. This also will be detailed in 4.12
25 and also in supplementary documentation.

1 Q. Mr. McNicol, you indicated that that
2 area would be identified as an area of concern and in
3 the example that you just gave now we've put a moose
4 corridor and shelter patches. Would the shelter
5 patches or the moose corridor in fact constitute the
6 prescription which arise out of the consideration of
7 what to do in that area?

8 A. That's correct.

9 Q. And in the earlier result where you
10 say that -- and that you said occurred where you
11 believed it was a good capability area and you wanted
12 to apply the guidelines rigorously?

13 A. Yes.

14 Q. In the other situation where the
15 result of your thinking was that you didn't have to
16 apply the guidelines rigorously, and let's say you had
17 no -- you know, you had no concern.

18 A. Yes.

19 Q. Would that conclusion, normal
20 operations, be in fact the prescription which would be
21 applied to that area as a result of going through the
22 area of concern planning process?

23 A. It would.

24 Q. Continue.

25 A. I think I'm done.

1 Q. Thank you.

2 THE CHAIRMAN: Do you want to mark that?
3 Exhibit 848.

4 MR. FREIDIN: Oh, you want a name for it.
5 Why don't we call it: Area of Concern regarding
6 general habitat value. Is that a fair title?

7 MR. McNICOL: That's fair.

8 ---EXHIBIT NO. 848: Hard copy of overhead entitled:
9 Area of Concern regarding general
habitat value.

10 THE CHAIRMAN: Mr. McNicol, if you are
11 going to exceed the guidelines by the amount that
12 requires specific approval, how would that specific
13 approval be documented; would it be documented in terms
14 of just approval of the plan, or would there be a
15 separate approval required for exceeding the guidelines
16 that's separate from the documentation relative to the
17 plan itself?

18 MR. McNICOL: I think this was going to
19 be the subject of a future question, so very
20 far-sighted of you.

21 What has to happen is the identification
22 of those types of areas well before a draft plan is
23 submitted for review at the regional level. So, in
24 other words - and Mr. Fleet is going to be speaking to
25 this tomorrow - there has to be close consultation

1 between the regional specialists -- the regional
2 specialists in concert with the district timber
3 management planning teams to ensure that the approach
4 to the application of the guidelines; moose, fisheries,
5 tourism is consistent and explicable.

6 Given that that approach is both of
7 those, then there is not going to be a problem at the
8 draft plan review stage. If there is a problem at the
9 draft plan review stage, it can significantly slow down
10 the approval process because, in many cases, the
11 district planning team is going to have to go back to
12 the drawing board in a lot of these areas to make
13 corrections.

14 So it's important that there be that
15 close working relationship between the regional
16 specialists and the district planning teams.

17 THE CHAIRMAN: Would this be kicked in by
18 the district identifying that we may be exceeding the
19 guidelines, we better get the regional specialists
20 involved; is that the way it would work?

21 MR. McNICOL: What we have attempted to
22 do, Mr. Chairman - and I think this has been presented
23 already to the Board - we have training sessions where
24 guideline application forms a large part of those
25 training sessions so that there is -- for the planning

1 teams that are involved or will be involved in timber
2 management planning, there is an understanding as to
3 how the guidelines are to be applied.

4 The regional specialists obviously are
5 also at these sessions, so there is a common
6 understanding about how they are to be applied. And
7 you are quite right, the planning team may identify a
8 problem and call the regional specialists in to get
9 their assessment of whether they have got a problem
10 here or not: Am I going to have a problem when this
11 comes up for review.

12 If the regional specialist is uncertain
13 as to whether there is a problem, I am available for
14 consultation as are individuals through main office,
15 but generally it's at the regional level where much of
16 this is resolved.

17 MR. FREIDIN: Q. Now, Mr. McNicol, you
18 have explained that after the selection and protection
19 of site-specific values has taken place that you could
20 still, as the wildlife representative on the planning
21 team, have a concern regarding general habitat
22 conditions?

23 MR. McNICOL: A. Correct.

24 Q. And you indicated that that concern
25 could be addressed through the area of concern planning

1 process?

2 A. I did.

3 Q. Now, we have heard evidence in
4 earlier panels about the interim direction related to
5 the application of the guidelines in relation to moose
6 habitat. Is there any relationship between the interim
7 direction regarding moose habitat guidelines and using
8 the area of concern planning process in the manner that
9 you have described?

10 A. Very briefly and succinctly, as I
11 alluded to before. If you have a clearcut that is 260
12 hectares or greater within your planned area of
13 harvest, it is automatically an area of concern and
14 must be subject to rationalization or a prescription to
15 break it up.

16 Q. If you have a situation -- sorry.

17 THE CHAIRMAN: Just a minute, Mr.
18 Freidin, let us get this down.

19 MR. FREIDIN: Q. Now, if you have a
20 situation which would require the Assistant Deputy
21 Minister's approval under the interim direction, would
22 there be any documentation of that discussion or the
23 decision which would be made as a result of following
24 the required process, going to the ADM for approval?

25 MR. McNICOL: A. What would happen, as I

1 spoke to before when the Chairman brought up the
2 question of the approval process and at what stage that
3 would take place, the regional specialists, in keeping
4 touch with their timber management planning teams,
5 would be discussing the problems that they saw with
6 respect to the way guidelines were being applied.

7 They would be listening for the rationale
8 for that particular method of guideline application, if
9 you will, and if, in their opinion, the rationale was
10 sound both from a biological and silvicultural context,
11 then in all likelihood -- and, again, this is something
12 that has not been finalized, but there would be a
13 preface to Table 4.12 that would explain the rationale
14 for the application of the guidelines for that
15 particular timber management plan, but there would be
16 documentation.

17 Q. Would the documentation which would
18 be produced include the production of supplementary
19 documentation which complied with Appendix I -- or
20 pardon me, complied with the area of concern planning
21 process, particularly the documentation requirements as
22 described by Mr. Bisschop?

23 A. Yes, they would.

24 THE CHAIRMAN: When you say this hasn't
25 been agreed on, I take it the reporting methodology

1 hasn't been agreed on. When are you going to formalize
2 your position on that?

3 MR. McNICOL: I think I will toss that
4 grenade to Mr. Kennedy.

5 MR. FREIDIN: Q. If I could just ask one
6 question. Is there any question about whether there
7 would be a requirement to document the decision-making
8 process in relation to the type of area of concern that
9 Mr. McNicol described? Is there any question as to
10 whether that situation would have to be documented in
11 the fashion described -- at least in the fashion
12 described by Mr. Bisschop when he described
13 documentation requirements in relation to the
14 application of the area of concern planning process?

15 MR. KENNEDY: A. No, there is no
16 question in that regard. The Timber Management
17 Planning Manual and the Class EA are very explicit on
18 that point, that there is documentation of the area of
19 concern planning process and I believe Mr. Bisschop has
20 adequately identified the form of that documentation
21 and outlined the contents that would be found in the
22 supplementary documentation.

23 The point that Mr. McNicol is discussing
24 is the suggestion that it may be beneficial to record
25 in the timber management plan the overall approach to

1 using guidelines and particularly the moose habitat
2 guidelines, and we have been discussing the best
3 approach of including a summary of the application of
4 those guidelines in the manual and the suggestion that
5 looks most promising is to include a section which
6 provides an introduction to Table 4.12.

7 As to when we hope to finalize that
8 suggestion, I am very optimistic that we will be able
9 to do that prior to the commencement of
10 cross-examination of this panel.

11 THE CHAIRMAN: So certainly by the end of
12 the hearing?

13 MR. KENNEDY: Most certainly.

14 MR. FREIDIN: Q. So to recap, there is
15 no question that there will be documentation in
16 accordance with the area of concern planning process;
17 there is some question as to how that decision -- you
18 indicated earlier decisions in area of concern planning
19 process and supplementary documentation gets recorded
20 in the plan, the decision; is that right?

21 MR. KENNEDY: A. I would like to clarify
22 that. I think that it is quite clear that the results
23 of the decision will be recorded in the supplementary
24 documentation as well as in a summarized form in Table
25 4.12.

1 Q. And the question as to how is -- the
2 question which is yet to be resolved; does it relate to
3 the latter, how it might get dealt with in the text of
4 the plan?

5 A. Simply put, yes.

6 Q. Mr. McNicol, Mr. Bisschop provided
7 the rationale for developing the two concepts of normal
8 operating areas and areas of concern, he referred to
9 page 16 I think and page 146 of the Environmental
10 Assessment Document.

11 Now, keeping in mind the evidence which
12 has been given regarding the role that forested areas
13 play in relation to wildlife habitat, can you comment
14 on the use of those two concepts? I am asking you this
15 obviously as a wildlife biologist.

16 MR. McNICOL: A. As I indicated before,
17 the wildlife biologist is interested in ensuring that
18 all of the site-specific values that have been
19 identified in the plan are adequately addressed with
20 prescriptions, is also concerned about the general
21 habitat condition. If that general habitat condition
22 has not been satisfied through the selection process
23 and through the identification of specific values and
24 their prescriptions, then it would be necessary to
25 identify other areas of concern and deal with them.

1 After that process is finished, from the
2 wildlife biologist's standpoint, there should be no
3 concerns from a wildlife habitat perspective. The
4 qualifier on that is that if new information does
5 become available during the execution of the plan - and
6 this would be the exception rather than the rule - then
7 those values, heretofore unidentified, could be
8 addressed through an amendment to the planning process.

9 Q. And when you -- and would that view,
10 subject to the qualification that you would have no
11 concerns about the wildlife habitat after all that took
12 place, apply to the area remaining which has been
13 described as normal operating areas?

14 A. In essence what you have, after you
15 have identified all of the areas of concern and the
16 prescriptions to deal with those areas of concern, the
17 area left over is normal operating area and with the
18 exception of values that are discovered during the
19 execution of the plan, there should be no concern with
20 regard to wildlife habitat in those areas of normal
21 operations.

22 Q. Thank you, Mr. McNicol.

23 MR. FREIDIN: I would like to move on,
24 Mr. Chairman, to the area of roads, five-year road
25 planning, and we have a series of overheads and copies.

1 Perhaps we could just mark this documents as Document
2 2, Part 11, Road Planning.

3 THE CHAIRMAN: Exhibit 849. Is there an
4 A, B, C, and D?

5 MR. FREIDIN: There are nine pages. I
6 would ask everyone to mark them. I'm sorry, but I
7 didn't have an opportunity to mark them in advance, Mr.
8 Chairman.

9 THE CHAIRMAN: So that will bring us up
10 to I. Okay.

11 ---EXHIBIT NO. 849: Hard copy of overhead re:
12 Document 2, Part 11, Road Planning
(Pages A-I).

13 MR. FREIDIN: And Mr. Bisschop and Mr.
14 Multamaki are going to deal with this topic.

15 Q. Mr. Bisschop, could you please
16 outline the planning process which determines the
17 location of roads to be built during the five-year term
18 of a timber management plan?

19 MR. BISSCHOP: A. By way of
20 introduction, Mr. Chairman, I would like to do a few
21 administrative matters first. If we could go back,
22 first of all so you get a general outline of what we
23 are going to be speaking about, to the very first page
24 of Exhibit 844 which I introduced this morning --

25 Q. Do you want to stick that back up on

1 the overhead, Mr. Bisschop?

2 A. That would be helpful. It's
3 entitled: Determination of Operations, An Overview. It
4 seems like days ago that I mentioned that we were going
5 to be speaking to this subject in two parts.

6 We have dealt with the area of concern
7 planning half of this overhead. We are now going to
8 speak about the road planning part of determination of
9 operations and we are going to be speaking about the
10 planning of locations for primary and secondary roads
11 for the five-year term.

12 We will speak about road planning
13 requirements in areas of concern, specifically the
14 application of Appendix II of the Class EA for primary
15 and secondary roads and the planning requirements
16 related to tertiary roads. We will also, again, as in
17 the case of areas of concern, speak to the
18 documentation requirements for that planning.

19 Now, just as I did with the area of
20 concern package in Exhibit 849, I have included pages
21 directly out of the statement of evidence so we won't
22 have to turn back again, and I would just like to cover
23 those page numbers for you. Page -- in Exhibit 849
24 page B is page 178 of Exhibit 813A, page D is page 177
25 of Exhibit 813A.

1 Q. 177?

2 A. Yes. And page F is page 179 of
3 Exhibit 813A. So, again, we won't have to flip back to
4 the statement of evidence.

5 And, again, just by way of introduction I
6 will speak first to the subject of primary road
7 planning, then talk to planning of locations of roads
8 in areas of concern, primary and secondary roads. I
9 will then speak again about secondary road planning
10 followed by tertiary road planning and the
11 documentation requirements.

12 So the first overhead in Exhibit 849A
13 deals with the road planning requirements for primary
14 roads for the five-year term. You will recall from our
15 evidence of Part 9 of Document 2 of this panel that we
16 spoke to the subject of primary road planning for the
17 20-year period of the timber management plan and we
18 spoke to the ultimate selection of a one-kilometre
19 corridor for primary roads required during the period
20 of the plan.

21 At the five-year term within that
22 one-kilometre corridor that we have selected we refine
23 the road location for the primary road to 100 metres
24 wherever the road traverses a specific area of concern
25 and 500 metres for the remainder of the route.

1 Page B of this Exhibit 849 demonstrates
2 visually what that product would be, and I think it's
3 quite self-explanatory. The one-kilometre corridor
4 from the 20-year period of the plan is outlined and the
5 variable width 500-metre and 100-metre location of the
6 primary road for the five-year term is identified.

7 Now, to determine the 100-metre location
8 of a road to traverse an area of concern there are
9 specific planning requirements that bring into play
10 appendix II of the Class Environmental Assessment.

11 Q. And now we are talking about the
12 location of roads and we are talking about primary and
13 secondary roads?

14 A. Yes. I will explain this
15 requirement. As it relates to the primary road example
16 here, the very same requirement would apply to
17 secondary roads to determine 100-metre location when
18 you traverse an area of concern. On page C of this
19 Exhibit 849...

20 Q. Excuse me, I've got to write that
21 down.

22 A. I'm trying to keep you awake. You
23 will recognize this three-step planning procedure again
24 because I referred to the very same kind of procedure
25 when we dealt with modified operations for areas of

1 concern this morning.

2 Appendix II of the Class EA is virtually
3 identical to Appendix I except, of course, we are
4 referring to road planning versus prescription planning
5 for harvest, renewal and tending. I won't go into the
6 details of this appendix again in terms of the
7 discussion of effects and impacts, that sort of thing.
8 There are a couple of matters I would like to highlight
9 however.

10 Again, when we traverse an area of
11 concern we have to look at the question of alternatives
12 and for roads -- primary and secondary roads, we define
13 100-metre locations for those alternatives. There may
14 be situations where we refine that location even
15 further and become very specific about it, but the
16 requirement is to narrow down the road location to a
17 hundred metres.

18 For the alternatives we conduct the
19 analysis and one point I would like to draw to your
20 attention is in Part 3 of Step 2 where we speak to
21 identify preventive and mitigative measures. I would
22 just like to highlight that what would be taken into
23 consideration here is, first of all, the subject of use
24 management because the use management strategy for an
25 entire road is, of course, going to be related to some

1 specific features that are encountered along that road
2 or that the entire road affects. There are use
3 management considerations that could determine which
4 alternative is selected.

5 And, secondly, the - I am not too sure of
6 the correct terminology - but you will recognize the
7 document, the access road guidelines which were
8 introduced by Mr. Adamson in the evidence of Panel 14
9 provides information that is useful here to address the
10 subject of preventive and mitigative measures.

11 Q. That is the one that dealt with water
12 crossings?

13 A. Yes, Guidelines for Access Road
14 Construction and Water Crossings. I am not sure of the
15 exact term at the moment.

16 Figure -- that is all I really wanted to
17 say about it, the same kind of analysis requirements as
18 for Appendix I apply.

19 Page D of the exhibit simply demonstrates
20 how this 100-metre planning of roads including the
21 consideration of alternatives would be undertaken and
22 it's a conceptual visual of the example, where
23 naturally the -- we are looking specifically at the
24 100-metre location across the stream in this instance,
25 the area of concern highlighted in the stippled red

1 colour on the overhead.

2 In order to get to that location of
3 course the 500-metre broader corridor location has to
4 narrow down and the two alternatives I have shown here
5 are how you would -- how that would be envisioned. The
6 analysis would apply to each of those alternatives and
7 a selection would be made.

8 Now, that requirement applies whenever
9 primary or secondary road traverses an area of concern:
10 Determine a 100-metre location having identified
11 alternatives and carry out an analysis leading to a
12 selection.

13 Q. And now for primary roads, by the
14 time you get to the five-year level you have already
15 gone through a consideration of alternatives when you
16 did your 20-year primary road corridors; is that
17 correct?

18 A. That's correct, you are already into
19 a corridor and you are refining the location of the
20 road in that corridor.

21 Q. Thank you.

22 A. Now, I would like to spend some time
23 on secondary road planning. Where, in effect, in
24 addition to determining specific locations of secondary
25 roads whenever they cross an area of concern, we also

1 look at the question of alternative corridors for
2 secondary roads, and perhaps the easiest way to lead us
3 into this discussion is to have you turn to page F of
4 this exhibit and perhaps the overhead would be much
5 clearer to try to demonstrate it because my copy -- my
6 photocopy is quite dark.

7 We will return shortly, Mr. Freidin, to
8 the page E.

9 Q. This one here?

10 A. Yes, please. As you recall in the
11 explanation of primary road corridors yesterday, I
12 talked generally about -- we are looking at the
13 question of the general direction for the primary
14 roads, what source they would come from and what
15 direction they would head into to access an area
16 eligible for operations.

17 For secondary roads in the five-year term
18 we are doing effectively the same thing again, we are
19 looking at accessing, in this case now, areas that have
20 been selected for operations and we are looking at the
21 question of: From what source can we come to get into
22 that area, looking at the question of alternatives for
23 that access, and we have to make a determination of
24 which alternative we would select.

25 So there is an element of the corridor

1 planning that gets addressed here for secondary roads.
2 And if we could turn back now to page E in Exhibit 849
3 I will describe the details of that.

4 Q. In this particular Exhibit 849F are
5 the roads -- the roads which are identified by road
6 location in green are those intended to, therefore,
7 represent secondary roads?

8 A. That's right. Their dimensions would
9 be 500 metres where the road corridor broadens and 100
10 metres where it crosses, in this case, the streams to
11 get into the area of operations.

12 Page E of Exhibit 849 you will probably
13 recognize is a virtual duplication of a similar page I
14 had in Exhibit 837A that dealt with primary roads where
15 I speak to the requirement to consider alternatives,
16 the analysis requirements and results of the analysis
17 providing the rationale for a selection.

18 I just, again briefly, would like to go
19 through that to perhaps refresh some of the material
20 from yesterday on primary roads. We are talking a very
21 similar kind of requirement here.

22 For secondary roads we are looking at
23 consideration of alternative road locations for the
24 entire length of the secondary road, we are looking at
25 analysis of each of those alternatives and a rationale

1 for the preferred location.

2 The one thing that is different for
3 secondary roads - and I have already spoken to it but I
4 would just like to reiterate it again - in the case of
5 primary roads we identified alternative one-kilometre
6 corridors. In the case of secondary roads for the
7 five-year term, we don't deal with alternative
8 one-kilometre or 500-metre corridors or whatever, but
9 rather we determine a location that has dimensions of
10 being specific to 100 metres whenever it crosses an
11 area of concern and 500 metres for the remainder. So
12 we do a more specific determination of the road
13 corridor than we do for primary roads.

14 THE CHAIRMAN: Mr. Bisschop, this is one
15 of these questions that I would ask you to give Mr.
16 Freidin a chance to interject before you answer.

17 With the exception of perhaps
18 silvicultural practices which may be viewed in some
19 cases as being alternatives to each other, both of
20 which are acceptable, when you are looking at
21 locational decisions do you envisage the process to
22 always allow for the selection of only one preferred
23 alternative or more than one?

24 MR. BISSCHOP: When it comes to roads?

25 THE CHAIRMAN: Yes.

1 MR. BISSCHOP: I think the best way to
2 answer that question is that the requirement would be
3 to come up with a selection of one location.

4 THE CHAIRMAN: So it would be your view
5 that the planning process would in a sense not be
6 complete until you have gone to the last step which is
7 to - after weighing everything - coming up with a
8 "preferred alternative"?

9 MR. BISSCHOP: When it comes to roads in
10 a timber management plan, yes.

11 THE CHAIRMAN: Okay. Thank you.

12 MR. BISSCHOP: So I've just described the
13 locational dimensions, if you will, of the alternatives
14 that need to be defined.

15 The analysis of each alternative then is
16 very similar -- in fact the same, if you will, as the
17 20-year primary road corridor planning. We would have,
18 however, a more specific level of information available
19 to us because we have determined exactly how we are
20 going to affect an area of concern if -- for any one of
21 our alternatives.

22 So again just very briefly, we would --
23 that analysis would consist of an assessment of how
24 well are we accessing the area of operations, an
25 assessment of how well areas of concern have been

1 accomodated, an estimate of costs related to the
2 construction of the road and transportation and
3 maintenance costs. Again, we are dealing primarily
4 with the subject of distance here and length of road,
5 and finally the subject of development of a use
6 management strategy.

7 That analysis is carried out for each of
8 the alternatives and on the basis of that analysis a
9 selection of the preferred alternative is made and the
10 analysis provides the rationale for that selection.
11 Again, I will speak to it later. That analysis
12 requires documentation and would appear in the
13 supplementary documentation to the plan.

14 One final point, and I said it again
15 yesterday on the subject of primary roads, we often
16 talk to the subject of consider, identify alternatives.
17 There may be situations as well with secondary roads
18 where only one road location is considered to be
19 suitable to provide access.

20 A very similar example to what I used
21 yesterday related to very little choice between a
22 number of lakes in a lake system, for example, would
23 apply here. In those situations we still want --
24 require an analysis to be done so you have some
25 information about the implications of the road and a

1 justification to be produced that there were no other
2 suitable alternatives.

3 That requirement incidentally for a
4 corridor-type examination of secondary roads is
5 outlined in the Class EA on page 152, Exhibit 4, in the
6 second full paragraph beginning on line 11, and my
7 combination of the two overheads we just dealt with,
8 Exhibit 849E and F, explain that paragraph.

9 THE CHAIRMAN: It doesn't seem to be on
10 154, have we got the right page?

11 MR. FREIDIN: 152.

12 MR. BISSCHOP: 152. I was looking at it
13 from a distance.

14 MR. FREIDIN: Starting on line 11.

15 THE CHAIRMAN: Thank you.

16 MR. BISSCHOP: So I have just spoken to
17 the subject of planning locations for primary and
18 secondary roads for the five-year term, the
19 requirements related to that.

20 When it comes to the subject of tertiary
21 roads for the five-year term the planning requirements
22 are somewhat different. I think in the evidence of
23 Panel 14 Mr. Tenaglia spoke to the subject of tertiary
24 roads and how it's difficult far in advance to
25 determine exactly where those roads would go within an

1 operating area, but we do have provisions related to
2 tertiary roads that are not locational in terms of
3 planning requirements, but are rather, what I would
4 call, conditional and those conditional requirements
5 relate to areas of concern.

6 Within areas of concern we determine any
7 necessary conditions on the location, construction and
8 use of tertiary roads. Again, I think Mr. Tenaglia
9 spoke to this. Generally we are talking about
10 conditions that may include, rather than determining
11 where tertiary roads would go, exactly the opposite;
12 determination of where tertiary roads are not
13 permitted. So parts of the area of concern would be
14 identified as being areas in which no roads would be
15 permitted, no tertiary roads would be permitted.

16 Secondly, those conditions could include
17 determination of where special practices might be
18 required; for example, special construction practices,
19 use restrictions perhaps related to season, and special
20 practices related to immediate removal after operations
21 have been completed.

22 MR. FREIDIN: Q. Now, are there
23 documentation requirements related to road planning for
24 the five-year term, Mr. Bisschop?

25 MR. BISSCHOP: A. Yes. On the last two

1 pages of Exhibit 849H and I, I refer to the
2 documentation requirements first of all in a timber
3 management plan and, secondly, in supplementary
4 documentation.

5 In a timber management plan, in the text
6 again referring to Table 4.12 - and I don't know think
7 I have to return to the Timber Management Planning
8 Manual - but you should recall that on Table 4.12 there
9 was a column on the far right of the table that said
10 Access, that's where the documentation of conditions
11 for tertiary roads would appear.

12 In the appendices to the plan, on the
13 forest resource inventory maps, commonly the 1:15,840
14 maps, we would see the locations of primary and
15 secondary roads portrayed as the variable width
16 corridors of 500 metres in the normal operating areas
17 and 100 metres in the -- wherever they cross an area of
18 concern.

19 What I would point out here is that the
20 requirement is to portray the corridor, the 500 metre,
21 100 metre, not to portray the centre line. We have in
22 plans to date been seeing the centre line portrayed,
23 but the requirement is to portray that variable width
24 corridor.

25 In the supplementary documentation,

1 turning to page (i) of Exhibit 849, the last page,
2 there are documentation requirements related to the
3 planning of primary and secondary roads. First of all
4 for the subject of secondary roads, there's
5 documentation required to that directional corridor
6 question I spoke to including the identification and
7 analysis of alternatives, the rationale for the
8 preferred location and a summary of the public comments
9 that were provided during planning and that were
10 influential in determining a decision on the preferred
11 location.

12 The second documentation requirements -
13 and if you can bear with me with the way it's worded,
14 it's very important to understand - for each primary
15 road and each secondary road alternative, whenever they
16 cross an area of concern there is documentation
17 required related to the determination of the 100-metre
18 road location.

19 I think the point that I would like to
20 make here is that when it comes to secondary roads we
21 will be planning the locations of alternatives and
22 doing some detailed planning -- detailed planning of
23 where they cross areas of concern and for some
24 alternatives they may be -- they may end up not being
25 selected and, therefore, that planning really doesn't

1 mean anything in the end in the sense that that
2 alternative has not been selected. However, there are
3 detailed requirements to determine the location of that
4 secondary road when it crosses an area of concern.

5 The documentation requirements for
6 areas -- roads traversing areas of concern, again, are
7 very similar to the documentation requirements related
8 to harvest, renewal and tending operations in areas of
9 concern, documenting the analysis requirements of
10 Appendix II and the summary of public comments that may
11 have been received that have been incorporated in
12 decision-making.

13 By way of closing, I would like to again
14 turn to draft terms and conditions and we are dealing
15 this time in Exhibit 700 with condition No. 15, part of
16 which I referred to yesterday for primary road
17 corridors. It's a very lengthy condition. I don't
18 intend to read it into the record, I will just
19 summarize some of the points again and provide a
20 copy -- or the court reporters have a copy of it.

21 Condition 15(a), yesterday when I spoke
22 to this for primary roads I deliberately didn't speak
23 to it for secondary roads although that's included in
24 there, the same analysis and selection and
25 rationalization requirements that apply to primary road

1 corridors for the 20-year term -- 20-year period apply
2 as well to secondary roads for the five-year term.

3 Part (b) of condition 15 speaks to the
4 planning and analysis requirements whenever primary and
5 secondary roads traverse areas of concern; part (c)
6 refers to justification required whenever only one
7 alternative is deemed to be suitable, justification
8 that there are no others; and finally part (d) speaks
9 to the subject of conditional planning, if you will, of
10 tertiary roads in areas of concern.

11 Planning of Access, Harvest, Renewal and Tending
12 Operations

13 15. (b) There shall be consideration and environmental
14 analysis of alternative locations for primary
15 and secondary access roads in "areas of
16 concern". The environmental analysis of
alternatives must be documented, and the
rationale for the selection of the preferred
access road location shall be provided.

17 The environmental analysis of each alternative
shall consist of:

- 18 (i) identification of the potential
19 environmental effects and determination
of the significance of those effects; and
20 (ii) identification of potential preventive
21 and mitigative measures.

22 (c) In the consideration of alternative corridors
23 for primary access and secondary access roads,
24 and alternative locations for primary and
25 secondary access roads in "areas of concern",
if it is determined that only one
corridor/location is suitable, justification
of the decision that no other suitable
alternatives exist must be documented.

1
2 (d) In "areas of concern", any necessary
3 conditions on the locations, construction and
4 use of tertiary roads shall be determined, and
5 must be documented.

6 MR. FREIDIN: Q. Mr. Multamaki, I
7 understand that you have included the documentation of
8 four different roads in Exhibit 814A, Book No. 7?

9 MR. MULTAMAKI: A. That's correct.

10 Q. So that's 814A, Tab 7. Now, I
11 understand that you were going to demonstrate the
12 application of the road planning process for the
13 five-year term using Road No. 24 which was the Valhalla
14 Road; is that correct?

15 A. Yes, that's correct.

16 Q. And we have already been to the
17 portion of Book 7 which deals with the Valhalla Road,
18 if we turn to page 124, yesterday -- I think it was
19 yesterday you described in the evidence regarding part
20 No. 9, primary road corridors, the access road
21 documentation sheet.

22 MR. FREIDIN: Page 124, Mr. Chairman.

23 THE CHAIRMAN: Okay, we have it.

24 MR. FREIDIN: Q. You dealt with that
25 particular documentation sheet down to and including
Item No. 7.

MR. MULTAMAKI: A. Yes, that's correct.

1 Q. And could you perhaps before you deal
2 with the balance of that particular sheet, 8 through
3 10, advise why the sheet, the access road documentation
4 sheet has information related to both the planning of
5 the primary road corridor and the planning which was
6 applicable or the more detailed planning applicable to
7 the five-year term?

8 A. Yes. In this instance Road No. 24,
9 the Valhalla Road, was originally -- or prior to Fire
10 No. 7 in 1986, was planned as future access to that
11 large block of mature timber to the northwest of Little
12 Vermilion Lake.

13 As a result of Fire No. 7 we had to
14 accelerate that program and in fact combine the 20-year
15 planning requirements for primary road access with the
16 five-year requirements so that in fact we could
17 construct the road during this five-year period.
18 That's discussed in fact in the attached report in Book
19 7 starting on page 135 and we briefly touched on that.

20 Q. Can you just indicate where in the
21 report regarding access to the northwestern section of
22 the unit that that reference can be found?

23 A. Sure. Page 136 of Book 7 basically
24 discusses the losses to Fire 7, and I think the first
25 paragraph of that at the bottom of the page gives a

1 pretty good indication of what took place.

2 Q. So it is correct to say in effect
3 that because of the fire you had to accelerate your
4 road building such that you have a plan which was
5 approved for the construction of 20 years, what was at
6 one time contemplated to take 20 years, you now had to
7 construct because of the fire in five years?

8 A. That's correct.

9 Q. Okay. Well, could you perhaps take
10 the Board through this document and any others which
11 you believe will assist in explaining the road planning
12 for the five-year term?

13 A. Certainly. As Mr. Freidin has
14 pointed out, I won't revisit the first seven sections,
15 I think we've discussed that in the previous part of
16 Document 2.

17 We will start at No. 8 on page 124, the
18 section is entitled: Stream Crossings on Proposed
19 Corridor. What you see in that section are the stream
20 crossing numbers and the crossing location by
21 kilometres and for each of these stream crossings, if
22 you turn to page 127 and 128A, there are in fact --

23 Q. Mr. Multamaki, just -- 127 and 128A?

24 A. That's correct. You will notice that
25 for crossing No. 19 and crossing No. 21 there are in

1 fact analysis sheets for the stream crossings attached
2 that shows 10 and 25-year flow figures with culvert
3 sizes and so on. These are really engineering
4 specifications, and under the comments in the far
5 right-hand column on page 27 you will notice that they
6 come from the regional engineer's office.

7 The actual calculation sheet is shown on
8 page 128, and you will notice there's a 5-year,
9 10-year, 25-year and 100-year flow with recommended
10 culvert sizes and so on. This in fact is a hydrology
11 analysis of those streams and it's really based on a
12 number of items, watershed area being one of the key
13 items.

14 Also under Section 8 you will notice it
15 has crossing type and it really shows the bridge or
16 culvert for Red Lake 21 and -- that's RL 21 and RL 19,
17 the two crossings. It shows, for example, under RL 21
18 that you have two choices, one culvert of 2,740
19 millimetres in diameter or two culverts of 2,000
20 millimetres in diameter.

21 Q. Sp is millimetres?

22 A. I guess so, it looks like an
23 engineering term to me.

24 Q. Okay.

25 A. I have been made aware that that

1 means steel pipe.

2 Q. And we have already discussed and
3 reviewed the alternatives regarding primary road
4 corridors that is found both in Items 1 through 7 of
5 the access documentation and the report at page 135 to
6 142; that's correct?

7 A. That's correct. The initial -- or
8 the four road corridor options are discussed in the
9 first seven sections on page 124 and the accompanying
10 report for the Valhalla Road.

11 When we get to crossing alternatives on
12 the top of page 125 the first item is location and
13 here -- it's actually broken down into two sections:
14 location, that's location of the crossing alternatives;
15 and part 2 of that would be the type of alternative.
16 The intent here is to show that where the alternative
17 locations for crossing that stream would be and what
18 type of crossing would be installed.

19 For example, if there was the option for
20 choosing a bridge or a culvert type installation, in
21 this instance, both crossing -- under Type it shows
22 that both crossings are best suited to a culvert type
23 installation. So we're really not talking bridges.

24 Under No. 1, Location, the statement is
25 that in both crossings 18 and 19 the streams were

1 examined by helicopter and a number of suitable
2 alternative crossing sites were identified. In
3 general, both streams could be crossed at almost any
4 point for -- and this is the attached page, it goes on
5 to page 126, and that word location should not be
6 there, it should say:

7 "One kilometre upstream or downstream as
8 there is no significant changes in site
9 type."

10 What we are really saying there is that
11 the stream is relatively similar for a kilometre either
12 way from the selected crossing point and, in fact,
13 culverts could be installed at any point along that
14 stream, essentially there's no difference.

15 Q. And Item No. 9?

16 A. Okay. I was just going to comment
17 that the environmental analysis of each alternative
18 location crossing type is covered in the attached
19 report. Again, we look at the four alternatives with
20 the environmental analysis of each of the routes.

21 And point 9, the information that was
22 available or collected to determine these -- the type
23 of crossing and so on, there is a map attached.
24 Unfortunately 2, 3, and 4 didn't seem to come out, but
25 there was no cruising data for this -- these stream

1 crossings -- sorry, for this road corridor. There were
2 no stream crossing videos and there were stream
3 crossing analysis done. That should be yes under No.
4 4.

5 Q. And we just looked at that analysis?

6 A. I beg your pardon?

7 Q. We've looked at that analysis?

8 A. Yes, the analysis is what we were
9 talking about prior to that. And No. 10, where the
10 stand -- is a stand listing information based on the
11 centre line and really all it does is provide timber
12 information on the areas and volumes involved on the
13 centre line.

14 Q. And I believe we have already looked
15 at the maps that identify the location of this road and
16 the location of the alternatives which were considered
17 and analysed in the material which relates to the
18 access to the northwest portion of the unit?

19 A. That's correct. We have looked at a
20 number of maps. Just in passing I should mention that
21 there was also a key map at a scale of 1:50,000 that
22 contained only roads on it that were numbered and the
23 roads were numbered and the stream crossings were
24 numbered on that road.

25 It was colour coded and it provided a

1 very quick and very easy method of establishing what
2 road number you were dealing with and where it was
3 located geographically on the unit. But it was
4 essentially the same copies as you have seen at the
5 1:50,000 scale for FRI composites.

6 MR. FREIDIN: Mr. Chairman, that
7 completes our evidence in relation to Part No. 11. The
8 Board indicated a desire in relation to roads to have a
9 comparison of the present proposed process and the
10 process that existed and applied under the exemption
11 order which referred to the Class Environmental
12 Assessment for roads to MNR facilities.

13 We will be producing that. We are not in
14 a position to in fact provide that evidence now, but it
15 will in fact be provided before this panel is complete,
16 as will the other comparisons, old and new timber
17 management planning process, et cetera.

18 We have thought about when the best time
19 to do that would be and we thought it would probably be
20 best done when the entire process, including plan
21 review and amendment, is gone through, so we are
22 planning to do that at the end of -- probably at the
23 end of No. 5 which is the annual work schedule.

24 MS. SWENARCHUK: Mr. Chairman, if I could
25 just ask one question. Will that comparison indicate

1 under which planning process primary access roads were
2 planned in the Red Lake Unit?

3 MR. FREIDIN: Well, let's ask Mr.
4 Multamaki.

5 Q. Mr. Multamaki, under what process
6 were the roads planned for on the Red Lake Crown
7 Management Unit in the planning that we have been
8 talking about?

9 MR. CASSIDY: Primary roads.

10 MR. MULTAMAKI: If I could have a minute
11 to confer with my...

12 ---Discussion off the record

13 MR. MULTAMAKI: Sorry for that brief
14 pause. The Red Lake plan was in fact written in 1986.
15 The problem here was that the 1986 draft of the EA
16 Document came out at approximately the same time as
17 this planning process was in effect. In fact we were
18 planning under the old exemption order.

19 THE CHAIRMAN: So does that mean, Mr.
20 Freidin, that the comparison that you are going to draw
21 will indicate what changes there would have been under
22 the Red Lake plan had it been planned under the process
23 you are putting before the Board for approval?

24 MR. FREIDIN: Mr. Kennedy?

25 MR. KENNEDY: Yes, Mr. Chairman, I think

1 that there is a considerable amount of interest in that
2 particular subject and we have given some thought now
3 as to the changes that are included in the new process
4 in comparison to the FEPP and we can outline the
5 changes that would occur -- or sorry, that would exist
6 between what occurred on the Red Lake Crown Unit and
7 what we would foresee happening on other units that are
8 planning now according to the new planning process.

9 THE CHAIRMAN: Thank you.

10 MR. FREIDIN: Mr. Chairman, if we could
11 proceed to Part 12 of Document No. 2.

12 THE CHAIRMAN: How long is this going to
13 take?

14 MR. FREIDIN: 10 minutes, 15 minutes. 15
15 minutes, Mr. Kennedy?

16 MR. KENNEDY: Perhaps, Mr. Chairman, we
17 could have a short stretch break and return. I believe
18 we could be completed by 5:30.

19 THE CHAIRMAN: Okay. Let's take a
20 10-minute break and then we will finish off this
21 section and break for the day.

22 MR. FREIDIN: Yes, we will do Part 12, we
23 will leave Part 13 for tomorrow which will also be
24 brief.

25 THE CHAIRMAN: Okay.

1 ---Recess taken at 4:50 p.m.

2 ---On resuming at 5:00 p.m.

3 THE CHAIRMAN: Thank you. Be seated.

4 MR. FREIDIN: Mr. Chairman, I would like
5 now to move on to Document No. 2, Part 12, which
6 commences at page 184 of Exhibit 813A. It is dealing
7 with forecasting for harvest, renewal and maintenance,
8 wood disposition, tree improvement and free to grow
9 surveys. And this particular subject will be dealt
10 with only by Mr. Kennedy.

11 Q. And, Mr. Kennedy, I would ask you to
12 deal with that subject matter and I think perhaps
13 almost completely uninterrupted by me.

14 MR. KENNEDY: A. Yes. The subject of
15 forecasting was included in this particular section to
16 give an overview of the tables that are contained
17 within the timber management plan.

18 Many of the tables in the plan have
19 forecast as the opening word in their title and the
20 subjects that are discussed are a forecast of the
21 activities and operations that are planned to take
22 place during the five-year term. The forecasts are
23 shown in the timber management plan in tabular form and
24 have associated maps with them. Those are the maps
25 that we have seen to date with the examples from Mr.

1 Multamaki's Red Lake Crown plan.

2 The tables in the timber management plan
3 record the level of activities that are expected to
4 take place during the five-year term. The evidence
5 that we have given to date as a panel has looked at
6 most of those forecast tables and I don't think there
7 is a need to go into any further details of the tables
8 individually, but I would like to draw your attention
9 to the subject matters that are discussed in the tables
10 as a whole and to do that I address your attention to
11 page 184 of Exhibit 813A to the bottom portion of that
12 page.

13 And those subject matters that are dealt
14 with in the forecasting table are harvesting, wood
15 disposition, renewal and maintenance, tree improvement,
16 access road construction and maintenance, and free to
17 grow assessments. Again, those are listed at the
18 bottom of page 184, Exhibit 813A.

19 If an individual was looking for the
20 specific tables that are required in a timber
21 management plan that deal with forecasting, I would
22 direct their attention to Exhibit 7, the Timber
23 Management Planning Manual, to the table of contents
24 and look at page (ix) -- Roman numeral (ix) and address
25 their attention to the list of tables that is seen on

1 that page, and the third heading which is titled:
2 Forecast of Operations.

3 Under that heading there is a listing of
4 each one of the forecast tables. Again, I don't
5 suggest that there is a need to go into any of those
6 tables or to read the individual titles of them, but
7 they can be seen there if there is an interest in the
8 individual tables.

9 As I have indicated, I think we have
10 discussed many of them in the context that they are
11 used in the evidence to date. I would just like to
12 summarize by way of the use of the forecasting tables.

13 First of all, it's obvious that the main
14 use is to assist in the planning of activities and to
15 record the results of the planning decisions. Usually
16 those results are recorded in a summarized form. For
17 instance, the areas that are selected, the individual
18 stands that are selected and illustrated on maps are
19 summarized as shown on a variety of the tables that
20 deal with the depletion.

21 Another use of the tables is to be used
22 for budgeting purposes both within MNR as well as in
23 company operations and they are used in the planning of
24 operations such as setting production targets and
25 related items such as the provision of nursery stock,

1 for instance, ensuring that there are adequate amounts
2 of bareroot and container stock available at the
3 appropriate times for the operations to proceed. In
4 addition to that, the tables also provide numbers which
5 are used for the establishment of targets for the
6 management objectives that are included in the plan.

7 I would also indicate that perhaps one of
8 the other main uses of the table, they are to be used
9 as a means of tracking progress towards those
10 objectives. The similar format to the tables that I
11 had indicated yesterday, this similar format is used in
12 both the scheduling and reporting of activities and
13 that the forecasted or planned level of activities is
14 used in the report of past forest operations as the
15 planned number as we saw when we dealt with that
16 particular subject matter.

17 We have examined a variety of those
18 variables in the report of past forest operations and
19 that is the origin of the numbers that show in the
20 report as planned activity.

21 Q. Mr. Kennedy, you mentioned -- you
22 mentioned similar format is used as a series of
23 scheduling and reporting tables and also forecasted --
24 or forecasting tables. What do you mean when you refer
25 to scheduling tables and what do you mean when you

1 refer to reporting tables?

2 A. By scheduling tables I am referring
3 to those that are contained within the annual work
4 schedule, which we will be viewing in some detail with
5 Mr. Grove's evidence, Document No. 5, and by reporting
6 I am referring to two sets of tables, those that are
7 prepared at the end of each year where annually the
8 reporting of progress is done using tables that have a
9 similar format to those that are contained in the
10 timber management plan, as well as the five-year
11 reporting which is simply a summary of those annual
12 reports, and that summary is a collection of tables
13 that are referred to as the report of past forest
14 operations.

15 So, in summary, the forecast tables show
16 the progress towards meeting management objectives; the
17 tables also provide a means of tracking of that
18 progress and a means of -- and provide a means of
19 recording levels of achievement to those that were
20 planned in the timber management plan. And those are
21 all the remarks that I would like to make in regards to
22 the forecasting tables.

23 Q. And, if I might then, just for ease
24 of reference perhaps in the future, do we find the
25 scheduling tables which you indicated are related to

1 the annual work schedule commencing at page 111 of the
2 Timber Management Planning Manual?

3 A. Yes. And perhaps for ease of
4 reference I should also indicate that in page (ix) --
5 Roman numeral (ix) of Exhibit 7, the list of tables
6 also provides a listing of those tables that are of
7 similar format that are contained in the annual
8 schedule; and on page 10, that is (x) -- Roman numeral
9 (x) there is also a listing of the tables that are used
10 in the annual reporting.

11 Q. I hope I don't repeat what you just
12 said, Mr. Kennedy, but the annual reporting tables
13 commence at page 145, but the text in relation to those
14 annual report requirements commences at page 141 of the
15 Timber Management Planning Manual?

16 A. That's correct.

17 Q. One last question. Could you just
18 clarify or indicate the relationship between the annual
19 reports and the five-year reports which we dealt with
20 when we talked about report of past forest operations?

21 A. The simple relationship there is that
22 the report of past forest operations is a series of
23 report tables which I should indicate are listed at the
24 top of page (ix) -- Roman numeral (ix) in the Timber
25 Management Planning Manual. Those series of report

1 tables are simply a summary of the five individual
2 annual report tables.

3 Q. Thank you.

4 MR. FREIDIN: That is our evidence on
5 Part 12, Mr. Chairman.

6 Mr. Bisschop, how do you feel about
7 proceeding if the Board wishes to proceed and try to
8 complete Document 2 today?

9 MR. BISSCHOP: Mr. Chairman, I believe we
10 could deal with the subject of information centres in
11 about 15 minutes.

12 THE CHAIRMAN: Okay, let's finish it off.

13 MR. FREIDIN: Q. Could you just wait a
14 moment while I get my paper, Mr. Bisschop, please. You
15 have a series of overheads, actually just two pages,
16 and I would ask that they be marked as the next
17 exhibit.

18 THE CHAIRMAN: Exhibit 850A and B.

19 MR. FREIDIN: Yes, Mr. Chairman, thank
20 you. And we can entitle this: Overheads, Document 2,
21 Part 13, Information Centre.

22 (handed)

23 THE CHAIRMAN: Thank you.

24 ---EXHIBIT NO. 850: Hard copy of overheads re:
25 Document 2, Part 13, Information
Centre (Pages A-B).

1

2

MR. FREIDIN: Q. Do you wish me to put
them up then, Mr. Bisschop?

4

MR. BISSCHOP: A. Yes, please.

5

6

Q. And the first one is entitled what,
Mr. Bisschop? I don't have my copy of the exhibit.

7

8

9

MR. BISSCHOP: A. It's the Public Notice
No. 2 Information Centre that says: When, to whom,
contents, et cetera, on it.

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Mr. Chairman, you will recall in my
earlier evidence on the first public notice I had a
format very similar to this for the discussion of
Public Notice No. 1. I am deliberately repeating that
format and will speak to each of the elements again in
terms of Public Notice No. 2. I won't have to get into
a lot of details on some of them because there is a lot
of information that is very similar to what I spoke to
in Public Notice No. 1.

19

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Later when we discuss Document 3, the
review and approval process tomorrow morning, I will
follow exactly the same format again, so you can see
the consistency in the approach we take. So what I
will do is briefly go through each of the elements of
the public notice for an information centre.

25

Q. And, Mr. Bisschop, perhaps you could

1 refer to page 155 of the Environmental Assessment
2 Document where we have Figure 2.1-2 and just bring the
3 Board back to exactly where we are in relation to that
4 particular schedule -- pardon me, that particular
5 document which outlines the schedule for timber
6 management plan production.

7 A. Yes. We are in the centre column and
8 we go down just part way to the second indication of
9 public notice followed by 30 days information centre
10 and then the 30 days before public responses are due.
11 That is the section I am going to be talking about
12 today.

13 If you consider what we have discussed
14 over the last couple of days as the planning that goes
15 on after the first public notice has been issued, we do
16 follow this planning and come to some -- basically some
17 preliminary proposals that we then take public for
18 comment and reaction.

19 The Public Notice No. 2 is issued then
20 when we have done most of this work, four to seven
21 months after planning has begun -- in the order of four
22 to seven. It can be quite variable, in fact, our
23 experience to date has been that it is probably some
24 time later than that. And 30 days -- the requirement
25 is that 30 days in advance of this information centre

1 we would issue a public notice and the district manager
2 would issue that notice inviting attendance at an
3 information centre to review and comment on preliminary
4 proposal.

5 The notice is issued to exactly the same
6 people as Public Notice No. 1. You will recall I
7 referred to some very specific requirements to general
8 notices. I don't intend to repeat any of that.

9 THE CHAIRMAN: But it would include an
10 updated list of anyone that showed up at the first one;
11 would it not?

12 MR. BISSCHOP: Anyone who responded to
13 the first notice, yes, that's true, I should add that.

14 The contents of the notice will be
15 exactly the same again as Public Notice No. 1 and that
16 means that the notice would include a map, it would
17 include a summary of the schedule for production of the
18 plan, and the subjects addressed by the plan. I think
19 I indicated for Public Notice No. 1, upon approval of
20 the Class EA the notice would eventually include a
21 reference to bump-up. It would also reference to the
22 locations, dates and times of the information centre
23 itself.

24 Again, I should refer to terms -- draft
25 terms and conditions as I go through the explanation in

1 terms of the contents of the notice. It would refer to
2 draft term and condition 2(b).

3 I seem to have mislaid mine in my pile of
4 paper.

5 MR. FREIDIN: Perhaps we could have the
6 reporter reproduce 2(b) in the record.

7 Public Consultation

8 2. (b) A Notice of an Information Centre shall be
9 provided prior to the production of a draft
10 timber management plan and at least 30 days
11 before the date of the Information Centre.

12 In addition to the information required by
13 Condition 2(a)(i), (ii) and (iii), this notice
14 shall contain the following information:

- 15 (i) the location, date and time of the
16 Information Centre(s), and a statement
17 that the purpose of the Information
18 Centre is to provide an opportunity for
19 interested persons to review and comment
20 on the alternatives and preliminary
21 proposals which have been developed,
22 before decisions are made;
- 23 (ii) a statement that there is a period of 30
24 days after the Information Centre in
25 which interested persons may respond; and
- (iii) a statement that there is an opportunity
to request a "bump-up" of the timber
management plan or a component part of the
timber management plan to individual
environmental assessment status.

22 MR. FREIDIN: Q. And, Mr. Bisschop,
23 perhaps you could just briefly review that?

24 MR. BISSCHOP: A. Yes.

25 Draft condition 2(b) refers to the notice

1 for the information centre, speaks to the similar
2 information that is provided in the first public notice
3 being repeated again, it speaks to the location, date
4 and time of the information centre and the purpose of
5 the information centres, which I will speak to a little
6 bit later.

7 It notes that there is a 30-day response
8 period after the information centre and, again, upon
9 approval of the Class EA it would refer to bump-up.
10 Those are the contents of draft term and condition
11 2(b).

12 The purpose of the centre is to invite
13 interested parties to review and comment on
14 alternatives that have been developed during planning;
15 for example, alternatives for roads and area of concern
16 prescriptions and preliminary proposals that have been
17 developed in the planning process before any decisions
18 are made. Essentially we are looking for reaction to
19 developments to date.

20 Q. Can you describe, Mr. Bisschop, what
21 happens at an information centre?

22 A. Yes. If you could turn to the second
23 page of the exhibit -- I am sorry, I didn't get the
24 number, Mr. Chairman.

25 THE CHAIRMAN: It's 850A and B.

1 MR. BISSCHOP: 850B, I will just speak to
2 some of the elements of information. I have indicated
3 the 30-day advance notice requirement. The information
4 centre is required to be held for a minimum of one day
5 normally in one location. We have often had more than
6 a one-day information centre and more than one
7 location.

8 I think I also mentioned in previous
9 evidence that sometimes we are invited to present an
10 information centre in other locations. I know that it
11 has happened, for example, on Indian reserves.

12 At the information centre, the MNR
13 planning team members, the district manager and, for
14 company-prepared plans, company staff would be in
15 attendance. The information centre is not a
16 presentation format kind of public involvement
17 exercise, it's rather a centre in which there are
18 displays and where there is staff and facilities and
19 detailed information available for discussion.

20 The information that is available at the
21 information centre is the subject of another draft term
22 and condition, No. 7.

23 Q. And is this draft term and condition
24 in the nature of specifying minimum requirements as to
25 information which has to be available?

1 A. Yes, that's correct. The draft term
2 and condition is really an expansion of what is already
3 documented in the Class EA on pages 158 and 159 where,
4 as Mr. Freidin has indicated, it is minimum information
5 that is expected to be available for public review at
6 the information centre.

7 Q. So this is more of a requirement than
8 was documented in the EA at page 158 and 159?

9 A. Yes. And I think perhaps the best
10 way that I could go through the requirements is to,
11 again, not read condition No. 7 into the record but
12 speak to the components of it and indicate the two
13 additions that are not in the Class EA and they are --
14 in term and condition No. 7 they are Items (h) and (i).

15 Public Consultation

16 7. A Public Information Centre shall be held for each
17 timber management plan, to provide an
18 opportunity for public review and comment on
19 preliminary proposals that have been developed for
that timber management plan. At the Information
Centre, relevant materials shall be available, and
shall include:

- 20 (a) a "values map" for the management unit which
21 displays known natural resource features, land
22 uses and values which must be considered in
the planning process;
- 23 (b) draft objectives and strategies for the
24 management of the timber resources of the
management unit;
- 25 (c) maps which identify areas eligible for
operations for the 20-year period of the plan,

- 1 and the specific areas of operations for the
2 5-year term;
- 3 (d) maps which identify specific "areas of
4 concern" to MNR program groups and other Crown
5 land resource users;
- 6 (e) maps which identify alternatives, and
7 preliminary proposals for:
- 8 (i) broad corridors for primary access roads
for the 20-year period of the plan, and
9 (ii) more precise locations of primary and
secondary access roads required during
10 the 5-year term;
- 11 (f) the analysis of the alternative access road
locations;
- 12 (g) the analysis of, and preliminary proposals
for, operations within specific "areas of
13 concern";
- 14 (h) copies of previous management plans for the
unit and other relevant planning documents
(eg. District Land Use Guidelines, District
Fisheries Management Plan, etc.); and
- 15 (i) the draft "Report of Past Forest Operations"
for the management unit, which is described in
16 Condition #8.

17 MR. BISSCHOP: So just speaking very
18 briefly to term and condition No. 7, the material that
19 is expected to be available (a) the values map; (b)
20 draft objectives and strategies -- again, this is what
21 developed to date that we are inviting review and
22 comment on; maps of eligible areas and maps outlining
23 the areas selected for five years; maps which portray
24 areas of concern in those eligible areas -- I mean in
25 those selected areas, I am sorry; maps which identify

1 alternatives and where we have made some preliminary
2 proposal that might not always be the case because we
3 are looking for reaction on broad corridor locations
4 for primary roads for the 20-year period and precise
5 road locations for -- by precise, I mean the 500-metre
6 and 100-metre variable width kinds of locations for the
7 primary and secondary roads for the five-year term.

8 That speaks to the map part of the
9 documentation that is meant to be available at the
10 information centre, items (a) through (e). There is
11 also written material that needs to be available
12 starting with (f) the analysis that has been done to
13 date on road location planning, and (g) the analysis
14 and preliminary proposal for prescriptions in areas of
15 concern.

16 As I indicated earlier items (h) and (i)
17 have been added and they are very straightforward
18 requirements. Copies of previous plans for the
19 management unit would be available and any other
20 relevant planning documents such as the District Land
21 Use Guidelines, District Fisheries Management Plans, if
22 they exist, and so on.

23 THE CHAIRMAN: Mr. Bisschop, in that
24 list, I know it's not meant to delineate all the
25 planning documents that would be available, but would

1 those documents include policy statements in effect for
2 the unit in terms of MNR?

3 MR. BISSCHOP: For the unit?

4 THE CHAIRMAN: Well, or for the subject
5 matter of what the policy might deal with, so that the
6 public has an idea of what policy requirements the
7 Ministry is under in terms of applying various things
8 such as the guidelines, for instance?

9 MR. BISSCHOP: I can't say that it would
10 always be there. I know of situations where there is
11 documentation of that sort that is available at
12 information centres. I am not familiar with...

13 THE CHAIRMAN: Let's ask the other
14 question: Is that type of documentation public? Is a
15 policy guideline -- not a policy guideline, but a
16 policy directive from the Deputy Minister a public
17 document?

18 MR. BISSCHOP: Yes, I would consider it
19 to be a public document.

20 THE CHAIRMAN: So then, there wouldn't be
21 any reason why those kind of documents couldn't be
22 included?

23 MR. BISSCHOP: No, not at all.

24 MR. FREIDIN: Q. Mr. Bisschop, could you
25 comment on the -- do you have any present view on the

1 practicality of producing all of the policies of the
2 Ministry of Natural Resources which might have
3 application to timber management at an information
4 centre?

5 MR. BISSCHOP: You may recall, Mr.
6 Chairman, that in response to interrogatories we have
7 attempted to address this question and produce vast
8 amounts of material that relates to whatever policies
9 might have some relationship to timber management
10 planning, so I wouldn't suggest that all of that kind
11 of material could be available, but relative --
12 relevant kinds of policy and guidelines.

13 THE CHAIRMAN: Well, for instance, as an
14 example, the policy directives concerning the
15 application for principles of the Moose Habitat
16 Guidelines would obviously, I would think, be of
17 interest to people who attend the public information
18 sessions and are interested in the management of moose
19 or hunting or that kind of thing.

20 MR. BISSCHOP: Exactly and, similarly,
21 the Policy for the Moose Habitat Guidelines, that sort
22 of thing.

23 THE CHAIRMAN: So you wouldn't have any
24 problem with producing that kind of directive?

25 MR. BISSCHOP: No. Finally, the Draft

1 Report of Past Forest Operations would also be
2 available at this time so that one could view past
3 performance on the management unit knowing that that
4 part of a plan -- that report is a documentation
5 requirement of a timber management plan.

6 At the information centres normally
7 comment sheets are made available for written -- for
8 people to make written record of comments that they
9 might have. There is, of course, a lot of discussion
10 as well that goes on at the information centres.

11 And finally, although I indicated that
12 there will be occasions where there are more than one
13 day and one location for an information centre, all of
14 the material is kept available at the district office
15 for people who can't attend to review for a period of
16 30 days and members of the planning team are available
17 for discussions.

18 THE CHAIRMAN: All right. Just out of
19 curiosity, when you are running one of these
20 information centres, I take it you have your various
21 members of the planning team and perhaps the district
22 manager circulating amongst the various exhibits.

23 If some member of the public comes up and
24 discusses verbally a specific concern with one
25 particular member of the planning team, how does that

1 get documented at the end when you are setting out in
2 your planning documents what comments have been made?

3 Suppose there isn't a written submission
4 but there is a conversation about a concern, is it the
5 obligation of each planning member to somehow get that
6 into written form and submit it at the end of the day,
7 or how do you logistically handle that kind of thing?

8 MR. BISSCHOP: Again, knowing my
9 position, Mr. Chairman, I am not in the field
10 practising. That would be my expectation. Perhaps
11 it's a question that Mr. Kennedy could address in terms
12 of how that actually does get done.

13 MR. KENNEDY: There has been a common
14 practice at most open houses or information centres in
15 this case to equip those that are present as MNR
16 representatives and company representatives that are
17 there to explain the information to the public and to
18 equip them with comment sheets and, in addition to
19 having comment sheets that are available at a
20 registration desk at the way into the facility where
21 the information centre is being held, it is common for
22 those members that are there to, upon explaining
23 information that is present, to record the concerns
24 that individuals have.

25 We have -- my experience has been that

1 some individuals that come out, members of the public
2 are quite content to sit in a corner and record their
3 observations right at that moment. Others are -- would
4 prefer to take away comment sheets and we usually
5 provide a return address with them.

6 THE CHAIRMAN: What about the native
7 peoples whose tradition may not be putting it in
8 writing but would rather just speak orally?

9 MR. KENNEDY: Well, as I was indicating,
10 in the course of explaining the information that is
11 present it is common practice to take down comments
12 that are received by individuals and that those sheets
13 then become part of the public record, part of the
14 supplementary --

15 THE CHAIRMAN: This would be taken down
16 by the MNR representative?

17 MR. KENNEDY: MNR or the company
18 representatives, yes. Also I know of a number of
19 situations where the comment sheets have been kept
20 available to staff that are answering responses that
21 may come in by telephone after the information centre,
22 and they use that to record further information and
23 that also ends up in the supplementary documentation
24 files.

25 MR. BISSCHOP: The last item I would like

1 to speak to about the information centre deals with the
2 question of responses that we get.

3 Again, very briefly, we do exactly the
4 same thing as we do for Public Notice No. 1 in the
5 sense that there is a 30-day response period. The
6 public notice, the mailing list and all responses that
7 we receive go into our files and it's common practice
8 that the Ministry respond in -- to any submissions in
9 writing.

10 At the information centre additional
11 information may come forward that needs to get
12 incorporated into the planning process, for example,
13 new values may be identified requiring further
14 environmental -- I mean area of concern analysis.

15 There will be comments on all
16 alternatives and proposals that will be considered in
17 the final decision-making and commonly there will be
18 the initiation of discussions that will have to be
19 ongoing after the information centre itself.

20 I think Mr. Multamaki's example that
21 related to the Little Vermilion Lake situation
22 demonstrated that. So all of that will be an outcome
23 of the information centre leading towards coming to
24 some decisions.

25 Now, having completed the information

1 centre and giving response, the final matter I would
2 like to speak to is that we now then would produce the
3 draft timber management plan and submit it for review
4 and approval. In the schedule on page 155 --

5 MR. FREIDIN: Q. Of the EA?

6 MR. BISSCHOP: A. Of Exhibit 4, the
7 Class EA, we have indicated just above the dotted line
8 through the middle of the page that normally that is a
9 period of about 60 days to produce the document.

10 The draft plan, all of the work that has
11 been done to date is documented in the timber
12 management plan in the format of the requirements of
13 the Timber Management Planning Manual and accompanied
14 by the required supplementary documentation.

15 The contents of the supplementary
16 documentation are addressed in another term and
17 condition, draft term and condition No. 18. Again,
18 this term and condition is an update of material which
19 is explained in the Class EA on pages 167 to 168. It's
20 an update and a summarization really of that material.

21 Supplementary Documentation

22 18. For each timber management plan, the accompanying
23 supplementary documentation shall contain:

24 (a) a summary of public consultation in the
preparation of the plan;

25 (b) a summary of the major issues encountered and

1 addressed in the plan;

2 (c) documentation of the planning of access road
3 locations, which was previously described in
Condition #16; and

4 (d) documentation of the planning of operational
5 prescriptions for "areas of concern", which
was previously described in Condition #13.

6 The supplementary documentation shall be retained
7 at the appropriate MNR District Office and will be
made available for public inspection. The summary
8 of major issues encountered and addressed in the
approved timber management plan shall be made
9 available to the public, upon request, in a
readily reproducible form.

10 MR. BISSCHOP: The important update part
11 of it that I would just like to mention is that
12 where -- you probably have heard and seen through the
13 Red Lake plan that plans become very voluminous.

14 Where through supplementary documentation
15 currently providing direction - and the term and
16 condition addresses this, particularly when it comes to
17 the subject of public consultation - to produce some
18 summary of public consultation rather than producing
19 volumes of files, and that is what I would refer to as
20 the update that the term and condition attempts to
21 address.

22 The detailed documentation requirements
23 related to road planning and planning of operations in
24 areas of concern are the same as outlined on pages 167
25 and 168 of the Class EA.

1 MR. FREIDIN: Q. Mr. Bisschop, your copy
2 of term and condition 18(c), what condition does it
3 refer to in the second line?

4 MR. BISSCHOP: A. This is our -- the one
5 error we know about in the terms and condition. I
6 believe that should be condition No. 15, it says 16.
7 It should be condition 15 which I referred to a number
8 of times.

9 Q. I just wasn't sure whether we had
10 dealt with that when we filed them or not. Thank you.

11 THE CHAIRMAN: And one last question, is
12 the summary business that you are referring to in the
13 last paragraph of condition 18, is that also a
14 requirement for companies preparing the plans, or is
15 that just when MNR prepares the plans?

16 MR. BISSCHOP: That would be for company
17 plans as well. I had intended to briefly go through
18 this condition and address that subject which I should
19 have mentioned also is something new in addition to
20 what pages 167 and 168 indicate.

21 I should probably briefly go through the
22 term and condition so we are very clear. I know it's
23 clear, just points I would like to make about it.

24 Supplementary documentation would really
25 include four items: the summary of public

1 consultation, the preparation of the plan; the summary
2 of the major issues which were dealt with; the
3 documentation of road planning; and the documentation
4 of area of concern planning.

5 For the draft plan, that material has to
6 be produced and will be available for review which we
7 will speak about tomorrow. For the approved plan the
8 supplementary documentation would be available and kept
9 at the MNR district for public inspection, and we have
10 made a commitment through the term and condition to
11 produce what I would call a publicly available summary
12 of the major issues that are encountered in the plan
13 and how they have been addressed for anyone who might
14 be interested in a copy of that.

15 And I would simply sum up by saying that
16 my summation that the draft plan and supplementary
17 documentation is now produced is effectively the
18 lead-in for our next Document 3 which discusses the
19 review and approval process.

20 MR. FREIDIN: Mr. Chairman, when I
21 estimated the time to do this section I forgot Mr.
22 Multamaki is going to deal with this matter and I don't
23 propose that we continue and do that now, but we will
24 deal with that tomorrow and hopefully very quickly
25 thereafter move on to Document No. 3.

1 THE CHAIRMAN: Okay. We will adjourn
2 until 8:30 tomorrow.

3 Thank you.

4 ---Whereupon the hearing adjourned at 5:45 p.m., to be
5 reconvened on Thursday, September 21st, 1989,
6 commencing at 8:30 a.m.

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